Title 20. Public Health and Welfare

Chapter XXVII. Department of Energy and Environment, Generally

Subchapter A. Generally

Part 860. Asbestos Abatement Rule

Subpart 1. General Provisions

20 CAR § 860-101. Title.

The following rules of the Arkansas Pollution Control and Ecology Commission adopted pursuant to the Removal of Asbestos Material Act, (Section 3, Acts 1997, No. 308, codified at Arkansas Code § 20-27-1001 et seq., hereinafter referred to as "the act" and the Arkansas Water and Air Pollution Control Act, (Section 7, Acts 1993, No. 163, codified at Arkansas Code § 8-4-101 et seq., shall be known as the "Asbestos Abatement Rule" or 20 CAR pt. 860.

20 CAR § 860-102. Purpose.

The purpose of this part is to:

(1) Protect public health and safety and the environment;

(2) Administer and enforce a program for the licensing of asbestos abatement contractors, asbestos abatement consultants, and training providers, and for the certification of air monitors, contractor/supervisors, inspectors, management planners, project designers, and workers in accordance with Arkansas Code § 20-27-1001 et seq.; and

(3) Establish and enforce standards for demolitions, renovations, and disposal of regulated asbestos-containing materials in order to reduce visible emission of asbestos-containing materials as provided by the National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 C.F.R pt. 61, and to establish standards for response actions.

20 CAR § 860-103. Applicability.

The provisions of this part are applicable to:

(1) All owners and operators conducting a demolition or renovation activity;

(2) Persons conducting inspections, air monitoring, developing management plans, and designing and/or conducting response actions as defined herein;

(3) The management and disposal of asbestos-containing waste materials; and

(4) Training providers.

20 CAR § 860-104. Definitions.

As used in this part:

(1) "ACBM" or "asbestos-containing building material" means any friable and nonfriable asbestos-containing material that is in or on interior structural members or other parts of a facility;

(2) "ACM" or "asbestos-containing material" means any material that contains more than one percent (1%) of friable and/or nonfriable asbestos material;

(3)(A) "Adequately wetted" means sufficiently mix or penetrate with liquid to prevent the release of particulates.

(B) If visible emissions are observed coming from asbestos-containing material, then that material has not been adequately wetted.

(C) However, the absence of visible emissions is not sufficient evidence of being adequately wet;

(4) "Aggressive air sampling" means artificially circulating the air so that fibers remain airborne during sample collection;

(5) "AHERA" means the Asbestos Hazard Emergency Response Act of 1986, published at Section 203 of Title II of the Toxic Substances Control Act, 15 U.S.C. § 2643;

(6) "Air analysis" means the microscopic examination of collected air samples to determine airborne fiber concentrations;

(7) "Air monitor" means any person who collects airborne samples for analysis of asbestos fibers;

(8)(A) "Air monitoring" means the process of measuring the airborne fiber concentration of a specific quantity of air over a given amount of time for purposes of

clearance air monitoring as prescribed by this part.

(B) Air monitoring does not include individual personal monitoring;

(9) "Air sampling" means the collection of units of air to determine airborne fiber concentration for purposes of clearance air monitoring as prescribed by this part;

(10)(A) "Asbestos abatement consultant" means any person or other legal entity, however organized, that acts as an agent for the owner or operator in performing demolitions, renovations, air monitoring, and/or response actions which will involve, or may involve, the removal or disturbance of ACM in any facility.

(B) This does not include in-house personnel performing work associated with the performance of that person's employment;

(11)(A) "Asbestos abatement contractor" means any person or other legal entity, however organized, that acts as an agent for the owner or operator in performing demolitions, renovations, air monitoring, and/or response actions which will involve, or may involve, the removal or disturbance of ACM in any facility.

(B) This does not include in-house personnel performing work associated with the performance of that person's employment;

(12)(A) "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 part.

(B) This term includes filters from control devices, friable asbestos waste material, and bags or other similar packaging contaminated with commercial asbestos.

(C) As applied to demolition and renovations operations, this term also includes regulated asbestos-containing waste and materials contaminated with asbestos including disposable equipment and clothing;

(13) "ASHARA" means the Asbestos School Hazard Abatement Reauthorization Act of 1990;

(14) "Category I nonfriable asbestos-containing material" means asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than one percent (1%) asbestos as determined using the method specified in Appendix E, Subpart E, 40 CFR Part 763, Section 1, Polarized Light

Microscopy;

(15) "Category II nonfriable asbestos-containing material" means any material, excluding category I nonfriable ACM, containing more than one percent (1%) asbestos as determined using the methods specified in Appendix E, Subpart E, 40 CFR Part 763, Section 1, Polarized Light Microscopy, that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure;

(16) "Certificate" means a document issued by the Division of Environmental Quality to any person certifying that person has satisfactorily completed such asbestos training, examination (as provided in Subpart 12 of this part), and other requirements of this part to perform the duties of the following:

(A) Air monitor;

(B) Contractor/supervisor;

(C) Inspector;

(D) Management planner;

(E) Project designer; and

(F) Worker;

(17) "Certification" means the status or classification of an individual who:

(A) Has been accredited in accordance with the United States Environmental Protection Agency Model Accreditation Plan requirements; and

(B) Has satisfactorily met the additional state requirements described in this part;

(18) "Certified industrial hygienist (CIH)" means a person certified in the comprehensive practice of industrial hygiene by the American Board of Industrial Hygiene;

(19) "Clearance air monitor" means, as required by this part, any person who measures the airborne fiber concentration of a specific quantity of air over a given amount of time at the conclusion of any demolition, renovation, or asbestos response action for which containment was utilized;

(20) "Commercial asbestos" means any material containing asbestos that:

(A) Is extracted from ore; and

(B) Has value because of its asbestos content;

(21) "Commission" means the Arkansas Pollution Control and Ecology Commission;

(22) "Consent Administrative Order (CAO)" means an administrative order entered into by consent of the parties, including the Division of Environmental Quality;

(23) "Containment" means a system installed by the owner or operator designed to minimize or eliminate the risk of the release of asbestos fibers from the work area to adjacent areas not involved in the project;

(24) "Contractor/supervisor" means any person who:

(A) Supervises the following activities with respect to friable ACM in a facility:

(i) A response action other than an SSSD activity;

(ii) A maintenance activity that disturbs friable ACM; or

(iii) A response action for a major fiber release episode; and

(B) Meets the certification requirements of this part;

(25) "Cutting" means to penetrate with a sharp-edged instrument and includes sawing, but does not include:

(A) Shearing;

(B) Slicing; or

(C) Punching;

(26) "Demolition" means the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or intentional burning of a facility;

(27) "Director" means the Director of the Division of Environmental Quality or his or her successor, acting directly or through the staff of the Division of Environmental Quality;

(28) "Division" means the Division of Environmental Quality or its successor;

(29)(A) "Emergency renovation operation" means a renovation operation that was not planned but results from a sudden, unexpected event that:

(i) If not immediately attended to presents a safety or public health

hazard;

(ii) Is necessary to protect equipment from damage; or

(iii) Is necessary to avoid imposing an unreasonable financial burden.

(B) This term includes operations necessitated by nonroutine failures of equipment;

(30) "Encapsulation" means the coating of ACM with a bonding or sealing agent to prevent the release of airborne fibers;

(31) "EPA" means the United States Environmental Protection Agency;

(32)(A) "Facility" means any:

(i) Institutional, commercial, public, industrial, school, 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 (4) or fewer dwelling units;

(ii) Ship; and

(iii) Active or inactive waste disposal site.

(B) 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.

(C) Any structure, installation, or building that was previously subject to this rule is not excluded, regardless of its current use or function;

(33) "Facility component" means any part of a facility, including equipment;

(34) "Friable asbestos-containing building material (ACBM)" means any friable asbestos-containing material that is in or on interior structural members or other parts of a:

(A) School;

(B) Public building; or

(C) Commercial building;

(35)(A) "Friable asbestos material" means any material containing more than one percent (1%) asbestos as determined by using the method specified in Appendix E, Subpart E, 40 CFR Part 763, Section 1, Polarized Light Microscopy, that, when dry, can

be crumbled, pulverized, or reduced to powder by hand pressure.

(B) If the asbestos content is less than ten percent (10%) as determined by a method other than point counting by polarized light microscopy, verify the asbestos content by point counting using polarized light microscopy.

(C) The term includes nonfriable asbestos-containing material after such previously nonfriable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure;

(36)(A) "Glovebag" means a sealed compartment with attached inner gloves used for the handling of asbestos-containing materials.

(B) Properly installed and used, glovebags provide a small work area enclosure typically used for small-scale short-duration asbestos stripping operations.

(C) Information on glovebag installation, equipment and supplies, and work practices is contained in the United States Occupational Safety and Health Administration's final rule on occupational exposure to asbestos, 29 C.F.R. § 1926.1101;

(37) "Grinding" means to reduce to powder or small fragments and includes mechanical chipping or drilling;

(38) "HEPA" means High Efficiency Particulate Air (filter);

(39) "HVAC system" means heating, ventilation, and air conditioning system;

(40) "Individual" means any natural person;

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

(42)(A) "Inspection" means an activity undertaken in a facility to determine the presence or location, or to assess the condition of friable or nonfriable ACM or suspect ACM, whether by visual or physical examination or by collecting samples of such material.

(B) This term includes reinspection of friable and nonfriable ACM, known or assumed, which has been previously identified.

(C) This definition does not apply to the following:

(i) Periodic visual surveillance solely for the purpose of recording or reporting a change in the condition of identified or assumed ACM;

(ii) Regulatory compliance inspections conducted by federal, state, or local government officials; and

(iii) Visual observations conducted solely for the purposes of determining completion of response actions;

(43) "Inspector" means any individual who inspects for ACM in a facility and meets the certification requirements of this rule;

(44) "Installation" means any building or structure or any group of buildings or structures at a single demolition or renovation site that are under the control of the same owner or operator, or owner or operator under common control;

(45)(A) "Leak-tight" means solids or liquids cannot escape or spill out.

(B) It also means dust-tight;

(46) "License" means a document issued by the Division of Environmental Quality to an asbestos abatement contractor, asbestos abatement consultant, or training provider who meets the criteria for licensing described in this rule;

(47) "Major fiber release episode" means any uncontrolled or unintentional disturbance of ACM, resulting in a visible emission, which involves the falling or dislodging of more than three (3) square or linear feet of friable ACM;

(48) "Management planner" means any person who prepares management plans for a school and who meets the certification requirements of this rule;

(49) "Management plan" means a formal written procedure for appropriate actions for surveillance and management of ACM;

(50) "MAP" means a model accreditation plan pursuant to the Asbestos Model Accreditation Plan, Interim Final Rule, published at 40 C.F.R. pt. 763, Subpt. E, app. C as of October 13, 2005;

(51) "Minor fiber release episode" means any uncontrolled or unintentional disturbance of ACM, resulting in a visible emission, which involves the falling or dislodging of three (3) square or linear feet or less of friable ACM;

(52) "NESHAP" means National Emission Standards for Hazardous Air Pollutants as found in 40 C.F.R. pt. 61 as of May 19, 2009;

(53) "Nonfriable asbestos-containing material" means any material containing

more than one percent (1%) asbestos as determined using the method specified in Appendix E, Subpart E, 40 CFR Part 763, Section 1, Polarized Light Microscopy, that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure;

(54) "Nonscheduled renovation operation" means a renovation operation necessitated by the routine failure of equipment, which is expected to occur within a given period based on past operating experience, but for which an exact date cannot be predicted;

(55) "Notice of deficiency (NOD)" means a written document which identifies deficiencies in a notice of intent;

(56) "Notice of intent (NOI)" means a written notice to the Division of Environmental Quality which provides detailed information concerning renovations of RACM and all demolitions;

(57)(A) "Notice of violation (NOV)" means a written notification to a person of alleged violations.

(B) The notice of violation initiates an administrative enforcement action;

(58) "Outside air" means the air outside buildings and structures, including but not limited to, the air under a bridge or in an open air ferry dock;

(59) "Owner or operator of a demolition or renovation activity" means:

(A) Any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated;

(B) Any person who owns, leases, operates, controls, or supervises the demolition or renovation operation; or

(C) Both;

(60) "Particulate asbestos material" means finely divided particles of asbestos or material containing asbestos;

(61) "Penetrating encapsulant" means a liquid material applied to RACM to control airborne fiber release by penetrating into the material and binding the fibers together;

(62) "Permitted landfill" means a waste disposal facility in Arkansas which has received a permit from the Division of Environmental Quality authorizing the receipt and

disposal of certain waste materials under the provisions of the Arkansas Solid Waste Management Code, 8 CAR § 60-101 et seq.;

(63) "Person or persons" means any:

(A) Individual;

(B) Corporation; or

(C) Other legal entity;

(64) "Phase contrast microscopy (PCM)" means the method of analyzing air samples published at the National Institute for Occupational Safety and Health (NIOSH), Method 7400, Issue 2, entitled "ASBESTOS and OTHER FIBERS by PCM" published in the NIOSH Manual of Analytical Methods, Fourth Edition, August 15, 1994;

(65)(A) "Planned renovations operations" means a renovation operation, or a number of such operations, in which some RACM will be removed or stripped within a given period of time and that can be predicted.

(B) 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;

(66) "Project designer" means any person who:

(A) Designs the following activities with respect to friable ACM in a facility:

(i) A response action other than a small-scale short-duration activity;

(ii) A maintenance activity that disturbs friable ACM other than a small-scale short-duration maintenance activity; or

(iii) A response action for a major fiber release episode; and

(B) Meets the certification requirements of this rule;

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

(A) Friable asbestos material;

(B) Category I nonfriable ACM that has become friable;

(C) Category I nonfriable ACM that will be or has been subjected to:

(i) Sanding;

(ii) Grinding;

(iii) Cutting; or

(iv) Abrading;

(D) Category II nonfriable ACM 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 part;

(E) Category I nonfriable resilient floor covering which contains ACM that will be or has been removed by:

(i) Sanding;

(ii) Grinding;

(iii) Cutting; or

(iv) Abrading; or

(F) Category II mastic which contains ACM that will be removed by:

(i) Sanding;

(ii) Grinding;

(iii) Cutting; or

(iv) Abrading;

(68) "Remove" means to take out RACM or facility components that contain or are covered with RACM from any facility;

(69)(A) "Renovation" means altering a facility or any facility components in any way, including the stripping or removal of regulated asbestos-containing material from a facility component.

(B) Operations in which load-supporting structural members are wrecked or taken out are demolitions;

(70) "Resilient floor covering" means asbestos-containing floor tile, including asphalt and vinyl floor tile, and sheet vinyl floor covering containing more than one percent (1%) asbestos as determined using polarized light microscopy according to the method specified in Appendix E, Subpart E, 40 CFR Part 763, Section 1, Polarized Light Microscopy, as of June 19, 1995;

(71) "Response action" means a method, including removal, encapsulation, enclosure, repair, and operation and maintenance, that protects human health and the

environment from friable ACM;

(72) "School" means any elementary or secondary school as defined in Section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. § 2854);

(73)(A) "Small-scale short-duration (SSSD) activities" means tasks including, but not limited to:

(i) Removal of asbestos-containing insulation on pipes;

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

(iii) Replacement of an asbestos-containing gasket or a valve;

(iv) Installation or removal of a small section of drywall; or

(v) Installation of electrical conduits through or proximate to asbestos-containing materials.

(B) "SSSD" can be further defined by the following considerations:

(i) Removal of small quantities of ACM only if required in the performance of another maintenance activity not intended as asbestos abatement;

(ii) Removal of asbestos-containing thermal system insulation not to exceed amounts greater than those which can be contained in a single glovebag;

(iii) Minor repairs to damaged thermal system insulation which do not require removal;

(iv) Repairs to a piece of asbestos-containing wallboard; and

(v)*(a)* Repairs, involving encapsulation, enclosure, or removal to small amounts of friable ACM only if required in the performance of emergency or routine maintenance activity and not intended solely as asbestos abatement.

(b) Such work may not exceed amounts greater than those which can be contained in a single prefabricated mini-enclosure.

(c) Such an enclosure shall conform spatially and geometrically to the localized work area, in order to perform its intended containment function;

(74) "Strip" means to take off RACM from any part of a facility or facility component;

(75) "Suspect building material" means any building material which the

inspector considers may contain asbestos;

(76) "Thorough inspection" means an inspection which:

(A) Is written;

(B) Describes the current state of the facility, or portion of the facility if the inspection did not encompass the entire facility, and the building materials therein;

(C) Includes all suspect and accessible building materials;

(D) Identifies if the inspection encompasses the entire facility or a portion thereof;

(E) Includes an assessment of the condition of the asbestos-containing material; and

(F) Uses documented sampling methodology;

(77) "Training day" means a day consisting of eight (8) consecutive hours, including lunch and breaks, in which an approved training course is conducted;

(78) "Training provider" means any person or other legal entity, however organized, who:

(A) Conducts some or all of the training programs for asbestos professional disciplines which are regulated in this part; and

(B) Meets the licensing requirements of this part;

(79)(A) "Transmission electron microscopy (TEM)" means a method of analyzing air samples and bulk samples through the use of a transmission electron microscope operated under procedures listed in 40 CFR, Part 763, Subpart E, Appendix A (AHERA), as of June 19, 1995.

(B) The transmission electron microscope utilizes an electron beam that is focused onto a thin sample;

(80)(A) "Visible emissions" means any emissions which are visually detectable without the aid of instruments, coming from any RACM or asbestos-containing waste material.

(B) This does not include uncondensed water vapor;

(81) "Waste generator" means any owner or operator of a source covered by this rule whose action or process produces asbestos-containing waste materials;

(82) "Waste shipment record" means the shipping documents:

(A) Required to be originated and signed by the waste generator; and

(B) Used to track and substantiate the disposition of asbestos-containing waste material;

(83) "Worker" means any person who:

(A) Meets the certification requirements of this part; and

(B) Carries out any of the following activities with respect to friable ACM in a facility:

(i) A response action other than an SSSD activity;

(ii) A maintenance activity that disturbs friable ACM other than an SSSD activity; or

(iii) A response action for a major fiber release; and

(84) "Working days" means the days Monday through Friday, including any holidays which fall on any of the days Monday through Friday.

20 CAR § 860-105. Asbestos inspection.

The owner or operator of a demolition, renovation, or response action shall conduct, or have conducted, a thorough inspection of the affected facility or part of the facility for the presence of asbestos including Category I and Category II nonfriable asbestos prior to the commencement of the:

(1) Demolition;

(2) Renovation; or

(3) Response action.

20 CAR § 860-106. Project design.

(a) A project design is required prior to renovation, demolition, or response action that is not an SSSD or minor release episode that involves RACM.

(b) The project design must be a written document, specific to the job in question.

(c) A copy must be maintained at the job site and be made available to Division of Environmental Quality employees upon request.

20 CAR § 860-107. Licensing — Certification provisions.

A person must meet the licensing and/or certification provisions of this part prior to engaging in renovations, demolitions, or response activities involving RACM including, but not limited to, the following:

(1) A person supervising any of the following activities with respect to RACM in a facility — a response action other than an SSSD activity, a maintenance activity that disturbs RACM other than an SSSD activity, or a response action for a major fiber release episode — must be:

(A) Trained;

(B) Certified as a contractor/supervisor; and

(C) Meet all other requirements of this part;

(2) A person conducting an inspection for ACM in a facility must be:

(A) Trained;

(B) Certified as an inspector; and

(C) Meet all other requirements of this part;

(3) A person preparing management plans for schools must be:

(A) Trained;

(B) Certified as a management planner; and

(C) Meet all other requirements of this part;

(4) A person designing the following activities with respect to RACM in a facility — a response action other than an SSSD activity, a maintenance activity that disturbs RACM other than an SSSD activity, or a response action for a major fiber release episode — must be:

(A) Trained;

(B) Certified as a project designer; and

(C) Meet all other requirements of this part;

(5) A person who carries out any of the following activities with respect to RACM in a facility — a response action other than an SSSD activity, a maintenance activity that disturbs RACM other than an SSSD activity, or a response action for a

major fiber release episode — must be:

(A) Trained;

(B) Certified as a:

(i) Worker;

(ii) Contractor/supervisor; or

(iii) Air monitor; and

(C) Meet all other requirements of this part; and

(6)(A) A person conducting air monitoring as defined in 20 CAR § 860-104, as required by 20 CAR § 860-402 of this part must be:

(i) Trained;

(ii) Certified as an air monitor; and

(iii) Meet all other requirements of this part.

(B) A person need not be certified under this part to conduct monitoring activities not required by this part.

Subpart 2. Notifications

20 CAR § 860-201. Demolition.

(a) For any demolition of a facility or facility component, even if no asbestos is present, the owner or operator shall submit a written NOI to the Division of Environmental Quality by either hand delivery, postmarked by United States Postal Service, or postmarked by a commercial delivery service at least ten (10) working days before any demolition activity begins.

(b) Such notice must be accompanied by the required fee which is described in Subpart 16 of this part.

20 CAR § 860-202. Demolition under order of a government agency.

(a) For any facility being demolished under order of a state or local government agency, issued because the facility is structurally unsound and in danger of imminent collapse, the owner or operator shall submit a written NOI to the Division of

Environmental Quality by either hand delivery, postmarked by United States Postal Service, or commercial delivery service as early as possible before, but not later than one (1) working day following commencement of demolition.

(b) Such notice shall be accompanied by the required fee which is described in Subpart 16 of this part.

20 CAR § 860-203. Renovation projects.

(a)(1) For the activities listed in subsections (b) and (c) of this section, the owner or operator shall submit an NOI to the Division of Environmental Quality by either hand delivery, postmarked by United States Postal Service, or postmarked by commercial delivery service at least ten (10) working days before asbestos stripping, removal work, or any other activity begins, such as site preparation that would break up or dislodge or similarly disturb asbestos-containing material.

(2) Such notice must be accompanied by the required fee which is described in Subpart 16 of this part.

(b) For any renovation project, including any nonscheduled renovation operation involving the following amounts of RACM:

(1) At least eighty linear meters (80 m) (two hundred sixty linear feet [260′]) on pipes;

(2) At least fifteen square meters (15 m^2) (one hundred sixty square feet [160 ft^2]) on other facility components; or

(3) At least one cubic meter (1 m^3) (thirty-five cubic feet [35 ft^3]), where the length could not be measured previously.

(c) For any renovation project, including any nonscheduled renovation operation involving the following amounts of resilient floor and/or associated mastic covering which contains ACM (even if no RACM is present) at least fifteen square meters (15 m^2) (one hundred sixty square feet [160 ft^2]).

20 CAR § 860-204. Planned renovation operations.

(a)(1) For planned renovation operations involving individual, nonscheduled

operations of a combined additive amount of RACM to be removed or stripped during a calendar year in the amounts of at least eighty linear meters (80 m) (two hundred sixty linear feet [260']) of pipe, at least fifteen square meters (15 m^2) (one hundred sixty square feet [160 ft^2]) on other facility components, or at least one cubic meter (1 m^3) (thirty-five cubic feet [35 ft^3]) of facility components where the length or area could not be measured previously, the owner or operator shall submit a written NOI to the Division of Environmental Quality by either hand delivery, postmarked by the United States Postal Service, or postmarked by a commercial delivery service by December 21 for the upcoming calendar period of January 1 through December 31.

(2) This notice must be accompanied by the required fee which is described in Subpart 16 of this part.

(b) To determine whether this section applies to planned operations involving nonscheduled operations, the owner or operator shall predict the combined additive amount of RACM to be removed or stripped during a calendar year of January 1 through December 31.

20 CAR § 860-205. Emergency renovation operations.

(a) For emergency renovation operations involving a sudden, unexpected event that is not an SSSD or minor fiber release episode, the owner or operator shall submit a written NOI to the Division of Environmental Quality by either hand delivery, postmarked by the United States Postal Service, or postmarked by a commercial delivery service as early as possible, but not later than the following working day.

(b) Such notice must be accompanied by the required fee which is described in Subpart 16 of this part.

20 CAR § 860-206. NOI requirements.

All written NOIs shall be submitted on a form provided by the Division of Environmental Quality and shall include the following:

(1) An indication of whether the notice is the original or a revised notification;

(2) Name, address, and telephone number of both the:

(A) Facility owner and operator; and

(B) Asbestos abatement contractor owner or operator;

(3) Type of operation:

(A) Demolition; or

(B) Renovation;

(4) Description of the facility or affected part of the facility including the size, square meters or square feet, number of floors, age, and present and prior use of the facility;

(5) Procedure, including analytical methods, employed to detect the presence of RACM and Category I and Category II nonfriable ACM;

(6)(A) Estimate of the approximate amount of RACM to be removed from the facility in terms of:

(i) Length of pipe in linear meters (linear feet);

(ii) Surface areas in square meters (square feet) on other facility components; or

(iii) Volume in cubic meters (cubic feet) if off facility components where the length or area could not be measured previously.

(B) Also, estimate the approximate amount of Category I and Category II nonfriable ACM in the affected part of the facility that will not be removed before demolition;

(7) Location and street address (including building number or name and floor or room number, if appropriate), city, county, and state, of the facility being demolished or renovated;

(8)(A) Scheduled starting and completion dates of asbestos removal work, or any other activity, such as site preparation that would break up, dislodge, or similarly disturb ACM in a demolition or renovation.

(B) Planned renovation operations involving individual nonscheduled operations shall only include the beginning and ending dates of the report period as described in 20 CAR § 860-204;

(9) Scheduled starting and completion dates of demolition or renovation of

RACM;

(10) Description of planned demolition or renovation work to be performed and method or methods to be employed, including demolition or renovation techniques to be used and description of affected facility components;

(11) Description of work practices and engineering controls to be used to comply with the requirements of this subpart, including asbestos removal and waste-handling emission control procedures;

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

(13) A certification that at least one (1) contractor/supervisor trained as required by this rule will supervise the stripping and removal described by this notification;

(14)(A) For facilities described in 20 CAR § 860-202, the:

(i) Name, title, and authority of the state or local government representative who has ordered the demolition;

(ii) Date that the order was issued; and

(iii) Date on which the demolition was ordered to begin.

(B) A copy of the order shall be attached to the notification;

(15) For emergency renovations described in 20 CAR § 860-205:

(A) The date and hour that the emergency occurred;

(B) A description of the sudden, unexpected event; and

(C) An explanation of how the event caused an unsafe condition or would cause equipment damage or an unreasonable financial burden;

(16) Description of procedures to be followed in the event that unexpected RACM is found or Category II nonfriable ACM becomes:

(A) Crumbled;

(B) Pulverized; or

(C) Reduced to powder;

(17) Name, address, and telephone number of the waste transporter;

(18) Name, address, division certification number, and telephone number of

the:

(A) Inspector;

(B) Project designer; and

(C) Air monitor; and

(19) The appropriate fee pursuant to Subpart 16 of this part.

20 CAR § 860-207. Incomplete notifications.

(a) The Division of Environmental Quality shall review all notifications for accuracy and completeness.

(b) Notifications which are incomplete or do not otherwise meet the notification requirements of this part shall be:

(1) Returned to the owner or operator along with an NOD;

(2) Corrected and resubmitted by the owner or operator within a time frame specified by the division in the NOD; and

(3) Subject to a new notification period.

20 CAR § 860-208. Beginning date — Asbestos removal change.

(a)(1) An owner or operator who has already submitted an NOI shall notify the Division of Environmental Quality, as necessary:

(A) When the beginning date for prepping and/or removal has changed; and/or

(B) When the amount of asbestos affected changes by at least twenty percent (20%).

(2) The owner or operator shall also provide, in writing, the reason or reasons for the change.

(b)(1) Changes shall be submitted in letter form or on a revised notification form with the required fee which is described in Subpart 16 of this part.

(2) Delivery of the updated notice by the United States Postal Service, commercial delivery service, or hand delivery is required.

(c) For any start date earlier than the date provided to the division, the owner or

operator shall notify the division in writing at least ten (10) working days prior to the beginning of any stripping or removal work.

(d) For any start date after the date provided to the division, the owner or operator shall:

(1) Notify the division by telephone as soon as possible before the original start date; and

(2) Provide the division with a written notice of the new start date as soon as possible before, and no later than, the original start date.

20 CAR § 860-209. Changes to the NOI.

(a) An owner or operator who has already submitted an NOI shall notify the Division of Environmental Quality of the following changes:

(1) Ending date;

(2) Scheduled work hours;

(3) Engineering controls and work practices;

(4) Disposal site;

(5) Air monitor, inspector, and/or project designer; or

(6) A change in owner.

(b)(1) These changes may be submitted by phone or fax.

(2) There will be no fee for these submittals.

20 CAR § 860-210. Changes in operator.

Changes in operator will require the submittal of a new NOI with a new notification period and a new fee as described in Subpart 16 of this part.

20 CAR § 860-211. Training provider's required submittals.

Training providers licensed pursuant to this rule shall:

(1)(A)(i) Submit to the Division of Environmental Quality a notice of any scheduled MAP asbestos-related training course.

(ii) Said notice must be submitted at least seven (7) working days

prior to the course being conducted unless good cause is demonstrated to the division that a seven-day advance notice is not feasible.

(B) The notice required pursuant to subdivision (1)(A) of this section shall include the following information:

(i) Name of the licensed training provider;

(ii) To the extent available, contact information for the licensed training provider, including:

(a) Address;

(b) Telephone number;

(c) Facsimile number; and

(d) Email address;

(iii) Course information, including:

(a) Title of course;

(b) Date and address where course will be conducted; and

(c) Name of instructor conducting the course;

(C) Notices of changes or cancellations of courses shall be submitted to the division at least two (2) working days prior to the scheduled date of a course unless good cause is demonstrated to the division that two (2) days advance notice is not feasible;

(2) Submit to the division, within ten (10) working days of completion of each MAP asbestos-related training course:

(A) Course name, discipline and type (initial or refresher);

(B) Dates the course was conducted;

(C) The course instructor's name; and

(D) A roster of course attendees successfully completing the course, including the following information:

(i) Name and address of each attendee;

(ii) Course completion certificate number; and

(iii)*(a)* Class photograph or individual photos which clearly show the faces of each student successfully completing the course and a caption identifying each

attendee.

(b) The photo submission requirement does not apply to refresher training courses or the Arkansas awareness training; and

(3) Notify the United States Environmental Protection Agency or the division, as appropriate, in advance whenever it changes course instructors.

Subpart 3. Record Keeping

20 CAR § 860-301. On-site documents.

The owner or operator shall keep at the site:

(1) A copy of the inspection report, including results of any bulk sample analysis and any air monitoring data;

(2) A copy of the NOI or any revised NOI submitted in compliance with this rule and the attached order of any state or local government official ordering the demolition of a facility due to structural unsoundness and danger of imminent collapse, if applicable;

(3) A copy of the project design; and

(4) A copy of certifications and licenses of personnel participating in demolition, renovation, or response actions.

20 CAR § 860-302. Wetting operations.

(a) The owner or operator shall keep at the site copies of any written approval issued by the Division of Environmental Quality such as prior written approval from the Director of the Division of Environmental Quality to allow the owner or operator to not use wetting where it would cause unavoidable damage to equipment or present a safety hazard or to use an alternate collection device.

(b) The owner or operator shall also be required to keep copies of the recorded temperature for the area containing the facility components for the beginning, middle, and end of each workday for any period during which wetting operations were suspended due to freezing temperatures.

20 CAR § 860-303. Submittal of information.

The owner or operator shall make available upon request by the Division of Environmental Quality any information related to a site, including, but not limited to, the information as set forth at 20 CAR § 860-301.

20 CAR § 860-304. Copies.

Copies of all items listed in 20 CAR §§ 860-301 and 860-302 shall be kept by the owner and operator for a minimum of two (2) years from the date the regulated activity ended.

Subpart 4. Work Procedures

20 CAR § 860-401. Applicability.

Demolition, renovations, or response actions involving RACM, and which are not an SSSD or a minor fiber release episode shall be conducted by persons licensed or certified in accordance with this rule, unless expressly excluded by this part.

20 CAR § 860-402. Work procedure compliance.

Each owner or operator of any RACM demolitions or any renovation impacting at least eighty linear meters (80 m) (two hundred sixty linear feet [260′]) of RACM on pipes or at least fifteen square meters (15 m^2) (one hundred sixty square feet [160 ft^2]) of RACM on other facility components, or at least one cubic meter (1 m^3) (thirty-five cubic feet [35 ft^3]) of RACM where the length could not be measured previously shall comply with the following work procedures:

(1)(A) Generally, the owner or operator of a demolition, renovation, or response action to whom this rule applies shall remove all RACM from a facility before the facility is demolished or renovated or any activity begins that would break up, dislodge, or similarly disturb the material or preclude access to the material for subsequent removal.

(B) If a facility is demolished by intentional burning, all RACM including Category I and Category II nonfriable ACM must be removed in accordance with this part before burning;

(2) The owner or operator need not remove ACM before demolition if:

(A) It is Category I nonfriable ACM that is:

(i) Not in poor condition; and

(ii) Not friable;

(B) It is on a facility component that is:

(i) Encased in concrete or other similarly hard material; and

(ii) Adequately wetted whenever exposed during demolition;

(C)(i) It was not accessible for testing and was, therefore, not discovered until after demolition began and, as a result of the demolition, the material cannot be safely removed.

(ii) If not removed for safety reasons, the exposed RACM and any asbestos-contaminated debris must be treated as asbestos-containing waste material and adequately wetted at all times until disposed; or

(D) It is Category II nonfriable asbestos-containing material and the probability is low that the materials will become crumbled, pulverized, or reduced to powder during demolition;

(3) The owner or operator shall ensure that no RACM will be stripped, removed, or otherwise handled or disturbed at a facility regulated by this section unless one (1) contractor/supervisor who is trained and meets all certification requirements of this rule is present during all such activities;

(4) When a facility component that contains, is covered with, or is coated with RACM is taken out of a facility as a unit or in sections, the owner or operator shall:

(A) Ensure that the RACM is adequately wetted when exposed during cutting and disjointing operations; and

(B) Carefully lower each unit or section to the floor and to ground level, not dropping, throwing, sliding, or otherwise damaging or disturbing the RACM;

(5) When RACM is stripped from a facility component while it remains in place

in the facility, the owner or operator shall adequately wet the RACM during the stripping operation;

(6) In renovation operations, wetting is not required if:

(A) The owner or operator has obtained prior written approval from the Director of the Division of Environmental Quality or his or her designee based upon a written application that such wetting to comply with this part would unavoidably damage equipment or present a safety hazard; and

(B) The owner or operator uses one (1) of the following emission control methods:

(i)*(a)* A local exhaust ventilation and collection system designed and operated to capture the particulate asbestos material produced by the stripping and removal of the asbestos materials.

(b) The system must exhibit no visible emissions to the outside air.

(c) The owner or operator may alternatively use air cleaning and shall, for fabric filter collection devices installed after January 10, 1989, provide for easy inspection for faulty bags.

(d)(1) After January 10, 1989, if the use of a fabric filter creates a fire or explosion hazard, or the director determines a fabric filter is not feasible, the director may authorize as a substitute the use of wet collectors designed to operate with a unit contacting energy of at least nine and ninety-five hundredths kilopascals (9.95 kPa) (or forty inches [40”] water gage pressure), or use a HEPA filter that is certified to be at least ninety-nine and ninety-seven hundredths percent (99.97%) efficient for three-tenths (0.3) micron particles.

(2) The director may authorize the use of filtering equipment other than described in this subdivision (6) if the owner or operator demonstrates to the director’s satisfaction that it is equivalent to the described equipment in filtering particulate asbestos material.

(3) A copy of any authorization from the director must be retained at the site;

(ii) A glovebag system designed and operated to contain particulate asbestos material produced by the stripping of the asbestos materials; or

(iii) Leak-tight wrapping to contain all RACM prior to dismantlement; and

(7)(A) The owner or operator shall cause clearance air monitoring to be conducted inside containment after the completion of any renovation, demolition, or asbestos response action involving RACM for which containment was utilized and which involved projects at least eighty linear meters (80 m) (two hundred sixty linear feet [260']) on pipes, or at least fifteen square meters (15 m^2) (one hundred sixty square feet [160 ft^2]), or at least one cubic meter (1 m^3) (thirty-five cubic feet [35 ft^3]), where the length could not be measured previously.

(B) The owner or operator shall cause such sampling to be conducted by a person who:

(i) Has met the certification requirements of this rule for the air monitor discipline as provided in this rule; and

(ii) Is not an employee of the licensed asbestos firm conducting the demolition, renovation, or asbestos activities.

(C) The owner or operator shall cause sample analysis to be conducted by a laboratory which, for PCM analysis, uses NIOSH Method 7400 and for TEM analysis, the laboratory must be approved by the National Institute of Standards Technology (NIST), National Voluntary Laboratory Accreditation Program (NVLAP).

(D)(i)*(a)* The owner or operator shall cause aggressive air sampling to be conducted after removal and cleanup activities for which containment was utilized have been completed to determine the final clearance level.

(b) Aggressive sampling results indicate an air fiber count of one hundredths fibers per cubic centimeter (0.01 f/cc) or less when using PCM; or

(c) If TEM is used, an arithmetic mean of less than or equal to seventy structures per square millimeter (70 s/mm^2), or a Z-test result that is less than or equal to one and sixty-five hundredths (1.65).

(ii)*(a)* If the aggressive air sampling analysis reveals an airborne fiber

count greater than one hundredths fibers per cubic centimeter (0.01 f/cc), or seventy structures per square millimeter (70 s/mm^2), or Z-test of one and sixty-five hundredths (1.65), then the area shall be cleaned again, followed by additional aggressive air sampling.

(b) This process shall continue until the required air level has been achieved.

(E) Aggressive clearance sample collection shall be done in accordance with the requirements of 40 C.F.R. pt. 763, subpt. E, app. A in effect on June 19, 1995.

Subpart 5. Disposal — Preparation and Procedures

20 CAR § 860-501. Disposal preparation.

The owner or operator shall dispose of RACM from all demolitions and all renovations involving projects of at least eighty linear meters (80 m) (two hundred sixty linear feet [260']) on pipes, or at least fifteen square meters (15 m^2) (one hundred sixty square feet [160 ft^2]) on other facility components, or at least one cubic meter (1 m^3) or thirty-five cubic feet (35 ft^3), where the length could not be measured previously in accordance with the following work procedures:

(1)(A) After a facility component covered with, coated with, or containing RACM has been taken out of the facility as a unit or in sections as provided in this part, it shall be stripped or contained in leak-tight wrapping except for large facility components as provided in this section.

(B) If stripped either:

(i) The RACM shall be adequately wetted during stripping; or

(ii)*(a)* A local exhaust ventilation and collection system designed and operated to capture the particulate asbestos material produced by the stripping must be used.

(b) The system must exhibit no visible emissions to the outside air or be designed and operated as provided in 20 CAR § 860-402(6);

(2) For large facility components such as reactor vessels, large tanks, and

steam generators, the RACM is not required to be stripped if:

(A) The component is removed, transported, stored, disposed of, or reused without disturbing the RACM;

(B) The component is encased in a leak-tight wrapping; and

(C) During all loading and unloading operations and during storage, the leak-tight wrapping is labeled according to the following:

(i) Mark vehicles used to transport asbestos-containing waste material during the loading and unloading of the waste so that the signs are visible;

(ii) The markings must be displayed in such a manner and location that a person can easily read the legend;

(iii) Conform to the requirements for fifty-one centimeters by thirty-six centimeters (51 cm x 36 cm), (twenty inches by fourteen inches [20" x 14"]) upright format signs specified in 29 C.F.R § 1910.145(d)(4) and this subdivision (2); and

(iv)*(a)* Display the following legend in the lower panel with letter sizes and styles of a visibility at least equal to those specified in this paragraph.

Legend:

DANGER

ASBESTOS DUST HAZARD

CANCER AND LUNG DISEASE HAZARD

Authorized Personnel Only

Size and Style Notation:

2.5 cm (1 in) Sans Serif, Gothic or Block

2.5 cm (1 in) Sans Serif, Gothic or Block

1.9 cm (3/4 in) Sans Serif, Gothic or Block

14 Point Gothic

(b) Spacing between any two (2) lines must be at least equal to the height of the upper of the two (2) lines; and

(3) For all RACM, including material that has been removed or stripped:

(A) The material must be adequately wetted and remain adequately wetted until collected and contained or treated in preparation for disposal in accordance with this part;

(B) Carefully lower the material to the ground and floor, not dropping, throwing, sliding, or otherwise damaging or disturbing the material;

(C) Transport the material to the ground via leak-tight chutes or containers if it has been removed or stripped more than 50 feet (50') above ground level and was not removed as units or in sections; and

(D) RACM contained in leak-tight wrapping that has been removed in accordance with the following provisions of this part need not be wetted if:

(i) The owner or operator is complying with the provisions of subdivision (1)(B)(ii) of this section;

(ii) The owner or operator has received prior written approval from the director to not wet because of resulting equipment damage or safety hazard and is using an alternate method approved in writing by the director as set out in this part; or

(iii)*(a)* The owner or operator shall remove facility components containing, coated with, or covered with RACM as units or in sections to the maximum extent possible when the temperature at the point of wetting is below zero degrees Celsius (0° C) or thirty-two degrees Fahrenheit (32° F), and for periods during when wetting operations are suspended due to freezing temperatures, the owner or operator must record the temperature in the area containing the facility components at the beginning, middle, and end of each workday and keep daily temperature records available for inspection by the director during normal business hours at the demolition or renovation site.

(b) The owner or operator shall retain the temperature records for at least two (2) years from the date the regulated activity ended.

20 CAR § 860-502. Disposal procedures.

(a)(1) Each owner or operator of a facility shall dispose of RACM from all

demolitions and all renovations involving projects of at least eighty linear meters (80 m) (two hundred sixty linear feet [260′]) on pipes, or at least fifteen square meters (15 m^2) (one hundred sixty square feet [160 ft^2]) on other facility components, or at least one cubic meter (1 m^3) (thirty-five cubic feet [35 ft^3]) where the length could not be measured previously in a manner to comply with the following work procedures.

(2) As applied to demolitions and renovations, the requirements of this section do not apply to Category I nonfriable ACM waste and Category II nonfriable ACM waste that did not become crumbled, pulverized, or reduced to powder.

(b) No visible emissions may be discharged to the outside air during the collection, packaging, transporting, treatment, including incineration, or disposal process of any asbestos-containing waste material generated by the source, or use one (1) of the following emission control and waste treatment methods specified in this subsection (b):

(1) Adequately wet asbestos-containing waste material as follows:

(A)(i) Mix asbestos waste from a control device to form a slurry.

(ii) Adequately wet other asbestos-containing waste material;

(B) Use the methods specified in this rule to clean emissions containing particulate asbestos material before they escape to, or are vented to, the outside air; and

(C) After wetting, seal all asbestos-containing waste material in leak-tight containers while wet or for materials that will not fit into containers without additional breaking, put materials into leak-tight wrapping;

(2) Process asbestos-containing waste material into nonfriable forms as follows:

(A) Form all asbestos-containing waste material into nonfriable pellets or other shapes; and

(B) Discharge no visible emissions to the outside air from collection and processing operations, including incineration, or use the method provided for in this rule to clean emissions containing particulate asbestos material before they escape to or are vented to the outside air;

(3)(A) For facilities demolished where the RACM is not removed prior to demolition as provided in this rule, asbestos-containing material shall be:

(i) Adequately wetted at all times during and after demolition; and

(ii) Kept wet during handling and loading for transport to a disposal site.

(B) Asbestos-containing waste materials covered by this subdivision (b)(3) must be shipped via leak-tight:

(i) Containers;

(ii) Wrapping; or

(iii) Bulk shipping device; or

(4) Use an alternative emission control and waste treatment method that has received prior approval by the Director of the Division of Environmental Quality as provided in this part.

(c)(1) Label the containers or wrapped materials specified in this section using warning labels specified by the Occupational Safety and Health Standards of the United States Department of Labor, United States Occupational Safety and Health Administration , under 29 C.F.R §§ 1910.1001(j)(4) or 1926.1101(k)(8), as of December 12, 2008.

(2) The labels shall be printed in letters of sufficient size and contrast so as to be readily visible and legible.

(d) For asbestos-containing waste material to be transported off the facility site:

(1) Label containers or wrapped materials with:

(A) The name of the waste generator; and

(B) The location at which the waste was generated; and

(2) Comply with all applicable United States Department of Transportation requirements.

(e) All asbestos-containing waste material shall be deposited as soon as is practical by the waste generator at a disposal site approved to accept asbestos-containing waste material and that meets the requirements of NESHAP or a United States Environmental Protection Agency-approved site that converts RACM and asbestos-containing waste

material into nonasbestos (asbestos-free) material according to the provisions of 40 C.F.R. pt. 61, as in effect December 14, 2000.

(f)(1) Mark vehicles used to transport asbestos-containing waste material during the loading and unloading of waste so that signs are visible.

(2) The markings must conform to the requirements specified in 20 CAR § 860-501(2)(C).

(g) For all asbestos-containing waste material transported off the facility site, a copy of a waste shipment paper, signed by the generator and transporter or transporters, shall accompany the shipment of asbestos-containing waste material.

20 CAR § 860-503. Standards for generators.

(a) The generator shall prepare a waste shipping paper, using a form including the following information:

(1) The name, address, and telephone number of the waste generator;

(2) The name and address of the Division of Environmental Quality's Asbestos Section;

(3) The approximate quantity in cubic meters (or cubic yards);

(4) The name, address, and telephone number of the waste transporter or transporters;

(5) The name, physical site location, and telephone number of the designated disposal site;

(6) The date transported from the generator site;

(7) The date received and accepted at the designated waste disposal site; and

(8) A certification that the contents of this consignment are fully and accurately described by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transportation by highway according to applicable international and government regulations.

(b) The waste generator shall:

(1) Contact the transporter and/or owner or operator of the designated disposal site if a copy of the shipping paper, signed by the owner or operator of the

designated disposal site, is not received by the waste generator within thirty-five (35) calendar days of the date the waste was accepted by the initial transporter, to determine the status of the waste shipment;

(2)(A) Report in writing to the division if a copy of the waste shipping paper, signed by the owner or operator of the designated waste disposal site, is not received by the waste generator within forty-five (45) calendar days of the date the waste was accepted by the initial transporter.

(B) The report shall include the following information:

(i) A copy of the waste shipping paper for which a confirmation of delivery was not received; and

(ii) 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;

(3) Retain a copy of all waste shipping papers, including a copy of the waste shipping paper signed by the owner or operator of the designated waste disposal site, for at least two (2) years; and

(4) Furnish upon request, and make available for inspection by the Director of the Division of Environmental Quality, all records required to be kept by this rule.

20 CAR § 860-504. Standards for waste transporters.

(a) The waste transporter shall sign the waste shipping paper upon acceptance of the shipment from the generator.

(b) The shipment shall be delivered to the designated waste disposal facility as expeditiously as possible.

(c) The waste transporter shall obtain the signature of the owner or operator of the designated waste disposal facility upon delivery of the shipment of asbestos-containing waste material.

(d) The waste transporter shall provide a copy of the waste shipping paper to the designated waste disposal facility owners or operators at the same time as the asbestos-containing waste material is delivered to the disposal site.

20 CAR § 860-505. Waste disposal sites.

Standards for designated waste disposal sites:

(1) The owner or operator of the designated waste disposal facility shall sign and date the waste shipping paper upon its receipt and acceptance of the shipment;

(2) Each owner or operator of an active waste disposal site that received asbestos-containing waste material from a source covered by this rule shall meet the following requirements:

(A) At least once every twenty-four-hour period while the site is in continuous operation, the asbestos-containing waste material that has been deposited at the site during the operating day or previous twenty-four-hour period shall:

(i) Be covered with at least fifteen centimeters (15 cm), or six inches (6”), of compacted nonasbestos-containing material;

(ii)*(a)* Be covered with a resinous or petroleum-based dust suppression agent that effectively binds dust and controls wind erosion.

(b) Such an agent shall be used in the manner and frequency recommended for the particular dust by the dust suppression agent manufacturers to achieve and maintain dust control.

(c) Other equally effective dust suppression agents may be used upon prior approval by the Director of the Division of Environmental Quality.

(d) For purposes of this subdivision (2)(A)(ii), any used, spent, or other waste oil is not considered a dust suppression agent; or

(iii) Use an alternative emissions control method that has received prior written approval by the director demonstrating the following criteria:

(a) The alternative method will control asbestos emissions equivalent to currently required methods;

(b) The suitability of the alternative method for the intended application;

(c) The alternative method will not violate other laws or rules; and

(d) The alternative method will not result in increased water

pollution, land pollution, or occupational hazards;

(B) For all asbestos-containing waste material received, the owner or operator of the active waste disposal site shall maintain a copy of the waste shipping papers as addressed in 20 CAR § 860-503(1) using a form with the following information:

(i) The name, address, and telephone number of the waste generator;

(ii) The name, address, and telephone number of the transporter or transporters;

(iii) The quantity of the asbestos-containing waste material in cubic meters (cubic yards); and

(iv) The date of the receipt;

(C) As soon as possible and no longer than thirty (30) calendar days after receipt of the waste, send a copy of the signed waste shipment record to the waste generator;

(D)(i) Upon discovering a discrepancy between the quantity of waste designated on the waste shipment records and the quantity actually received, attempt to reconcile the discrepancy with the waste generator.

(ii)*(a)* If the discrepancy is not resolved within fifteen (15) calendar days after receiving the waste, immediately report in writing to the:

(1) Local, state, or United States Environmental Protection Agency regional office responsible for administering the asbestos NESHAP program for the waste generator; and

(2) If different, the local, state, or United States Environmental Protection Agency regional office responsible for administering the asbestos NESHAP program for the disposal site.

(b) Describe the discrepancy and attempts to reconcile it, and submit a copy of the waste shipment record along with the report;

(E)(i) Report in writing to the division official responsible for administering the asbestos program for the waste generator, identified in the waste shipment record,

and, if different, the local, state, or United States Environmental Protection Agency regional office responsible for administering the asbestos NESHAP program for the disposal site, by the following working day, the presence of a significant amount of improperly enclosed or uncovered waste.

(ii) Submit a copy of the waste shipment record along with the report; and

(F) Furnish upon request and make available during normal business hours for inspection by the division all records required under this subpart;

(3) Retain a copy of all records and reports required by this subpart for at least two (2) years from the date of disposal;

(4) Maintain, until closure, records of the location, depth and area, and quantity in cubic meters (cubic yards) of asbestos-containing waste material within the disposal site on a map or diagram of the disposal area;

(5) Upon closure of a facility, submit to the division a copy of records of asbestos waste disposal locations and quantities;

(6)(A) The division shall be notified in writing at least forty-five (45) calendar days prior to excavating or otherwise disturbing any asbestos-containing waste material that has been deposited at a waste disposal site and is covered.

(B) If the excavation will begin on a date other than the date contained in the original notice, notice of the new start date must be provided to the division at least ten (10) working days before excavation begins and in no event shall excavation begin earlier than the date specified in the original notification.

(C) Include the following information in the notice:

(i) Scheduled start and completion dates;

(ii) Reason or reasons for disturbing the waste;

(iii) Procedures to be used to control emissions during the excavation, storage, transport, and ultimate disposal of the excavated asbestos-containing waste material (if deemed necessary, the division may require changes in the emission control procedures to be used; and

(iv) Location of any temporary storage site and the final disposal site;

and

(7)(A) Within sixty (60) calendar days of a site becoming inactive and after the effective date of this rule, a notation shall be recorded, in accordance with state law, on the deed to the facility property and on any other instrument that would normally be examined during a title search.

(B) This notation will in perpetuity notify any potential purchaser of the property that:

(i) The land has been used for the disposal of asbestos-containing waste material; and

(ii) The survey plot and record of the location and quantity of asbestos-containing waste disposed of within the disposal site required in subdivision (4) of this section have been filed with the division.

Subpart 6. Licenses — Generally

20 CAR § 860-601. Licenses.

(a) Licenses shall be issued to:

(1) Asbestos abatement contractors;

(2) Asbestos abatement consultants; and

(3) Training providers.

(b) Such licenses shall be issued for a period not to exceed twelve (12) months.

20 CAR § 860-602. License renewal.

(a) Any asbestos abatement contractor, asbestos abatement consultant, or training provider may apply for the renewal of a license issued by the Division of Environmental Quality.

(b) Such renewals are valid for a period not to exceed twelve (12) months.

20 CAR § 860-603. Annual fee.

(a) The Division of Environmental Quality shall assess an annual fee for all initial

licenses and for all renewals of licenses.

(b) The amounts of such fees, listed in Subpart 16 of this part, shall be determined by the division.

20 CAR § 860-604. Licensing and certification requirements.

Persons who do not maintain offices in the State of Arkansas and who perform work in this state as an asbestos abatement contractor, an asbestos abatement consultant, or a training provider, as defined in this rule, are subject to the licensing and certification requirements of the act and this part.

20 CAR § 860-605. Licensing requirement exemptions.

(a) State and federal governments, and subdivisions thereof, including school districts, shall be exempt from the licensing requirements of Subpart 7 of this part.

(b) A facility owner shall not require a license to conduct demolition, renovation, or response actions on the owner's facility provided such actions are conducted by permanent employees of the facility owner.

20 CAR § 860-606. Permanent employees.

The permanent employee described in 20 CAR § 860-605(b) shall:

(1) Be trained in the proper disciplines in accordance with ASHARA and certified with the Division of Environmental Quality; and

(2)(A) Conduct only asbestos-related activities which are associated with the performance of that person's permanent employment.

(B) If the employee conducts asbestos-related activities on any other buildings or structures not associated with that person's permanent employment, then the person must be under the supervision of a contractor or consultant licensed pursuant to this part.

Subpart 7. Asbestos Abatement Consultants and Contractors Licenses

20 CAR § 860-701. Initial license application.

Initial application for licenses shall be made to the Division of Environmental Quality and shall include the following:

(1) A completed application on a form provided by the division;

(2) Annual asbestos abatement consultant or asbestos abatement contractor license fee as described in Subpart 16 of this part;

(3) Proof that the asbestos abatement contractor has at least one (1) supervisor who:

(A) Qualifies as a contractor/supervisor as determined by this part; and

(B) Has been certified as such by the division in accordance with this part;

(4) A completed Disclosure Statement pursuant to 8 CAR § 11-204 on a form provided by the division; and

(5) Proof of a minimum of one million dollars ($1,000,000) liability insurance coverage in the form of a certificate of insurance issued by an insurance carrier authorized to do business in Arkansas by the State Insurance Department that must certify the following:

(A) Liability insurance coverage for the types of asbestos services provided, including abatement and inspection work; and

(B) A rider requiring that the insurer shall notify the division in writing within ten (10) working days of any substantive changes made to the policy including, but not limited to, termination or failure to renew, or any reduction of the monetary limits of coverage.

Subpart 8. Training Provider Licenses

20 CAR § 860-801. Initial licenses.

Initial applications for licenses of approved training providers shall be made to the Division of Environmental Quality and shall include the following:

(1) A completed application on a form provided by the division;

(2) Enclosure of the annual training provider fee described in Subpart 16 of

this rule;

(3) A statement certifying that each course complies with the requirements of the 40 C.F.R. pt. 763, subpt. E, app. C (MAP);

(4) Résumés of all instructors;

(5) Sample course agendas;

(6) A completed disclosure statement pursuant to 8 CAR § 11-204 on a form provided by the division; and

(7) A statement that each discipline course complies with the minimal course content required at Subpart 13 of this part.

20 CAR § 860-802. Requirements in lieu of 40 C.F.R. pt. 763, subpt. E, app. C.

Training providers who do not supply the certification described in 20 CAR § 860-801(3) but wish to be licensed to teach the course under this part shall submit in addition to the information required by 20 CAR § 860-801, the following:

(1) The course provider's name, address, and telephone number;

(2) A list of any other states that currently approve the training course;

(3) The course curriculum;

(4) A letter from the provider of the training course that clearly indicates how the course meets the MAP and the requirements of this rule, specifically addressing the following:

(A) Length of training days in eight-hour increments;

(B) Amount and type of hands-on training;

(C) Examination (length, format, and minimum passing score); and

(D) Topics covered in the course;

(5) A copy of all course materials, including student manuals, instructor notebooks, handbooks, and any other printed materials;

(6) A description of the training methods to be used to present each topic (such as lecture, video, or hands-on);

(7) A detailed statement about the development of the examination used in

the course;

(8)(A) Names and qualifications of all course instructors.

(B) Instructors must have academic and/or field experience in asbestos abatement; and

(9)(A) A description of, and an example of, the certificates issued to students who attend and successfully complete the course by passing the required written examination.

(B) Each certificate shall include the information listed in 20 CAR § 860-1208.

20 CAR § 860-803. Refresher training courses.

The following minimum information is required for approval of refresher training courses by the State of Arkansas:

(1) The length of training in half days or days;

(2) The topics covered in the course;

(3) A copy of all course materials (student manuals, instructor notebooks, handouts, etc.);

(4)(A) The names and qualifications of all course instructors.

(B) Instructors must have academic and/or field experience in asbestos abatement; and

(5)(A) A description of and an example of the certificates issued to students who complete the refresher course.

(B) Certificates shall contain the same information as described in 20 CAR § 860-802(9).

Subpart 9. Certification — Accreditation

20 CAR § 860-901. Certification.

Any person seeking certification in the discipline of air monitor, contractor/supervisor, inspector, management planner, project designer, or worker shall

provide the Division of Environmental Quality with the following:

(1)(A) The most recent certificate issued by the training provider as proof of successful completion of the applicable training course which has been approved under the provisions of 40 C.F.R. pt. 763, subpt. E, app. C (MAP), and subsequent revisions.

(B) Photocopies will not be accepted without prior approval from the division;

(2) A completed application on a form provided by the division;

(3) The applicable annual certification fee listed in Subpart 16 of this part;

(4)(A) A current photograph of the person requesting certification that:

(i) If printed, shows the full face of the person seeking certification no less than three-fourths inch (3/4") wide; or

(ii) If digital, has a resolution of at least seventy-two dots per inch (72 dpi) and is in a format specified by the division.

(B) Instead of providing a photograph, the person seeking certification may come to the division's central office during normal business hours where a photograph will be taken; and

(5) A completed disclosure statement pursuant to 20 CAR § 11-204 on a form provided by the division.

20 CAR § 860-902. Supervision.

Except as provided in 20 CAR § 860-605, certified air monitors, contractor/supervisors, inspectors, management planners, project designers, and workers shall work under the supervision of a facility or firm licensed as a contractor or consultant pursuant to the provisions of this part.

20 CAR § 860-903. Certification time frame.

Certificates issued by the Division of Environmental Quality shall remain valid for a period of one (1) year from date of training unless suspended or revoked pursuant to Subpart 15 of this rule.

Subpart 10. Renewal of Licenses and Certifications

20 CAR § 860-1001. Contractors/consultants renewal.

Asbestos abatement contractors and asbestos abatement consultants shall submit the following in order to renew their licenses:

(1) A renewal application on a form provided by the Division of Environmental Quality;

(2) Proof of insurance as described in 20 CAR § 860-701(5);

(3) A renewal fee as described in Subpart 16 of this rule; and

(4) A completed disclosure statement pursuant to 20 CAR § 11-204 on a form provided by the division.

20 CAR § 860-1002. Training providers renewal.

Asbestos training providers shall submit the following in order to renew their licenses:

(1) Renewal application on a form provided by the Division of Environmental Quality;

(2) Renewal fee as described in Subpart 16 of this rule; and

(3) A completed disclosure statement pursuant to 20 CAR § 11-204 on a form provided by the division.

20 CAR § 860-1003. Other renewals.

Air monitors, contractor/supervisors, inspectors, management planners, project designers, and workers shall submit the following in order to renew their certification status:

(1) An official certificate from a United States Environmental Protection Agency-accredited firm documenting successful completion of an approved asbestos refresher course applicable to each discipline for which renewal is sought;

(2) An official certificate of training for the two-hour Arkansas Regulation Course if the refresher course was not provided by an Arkansas licensed asbestos

training provider;

(3) Air monitors who have been certified under the provisions that they are a certified industrial hygienist shall also submit proof of their current certification status;

(4) An application on a form provided by the Division of Environmental Quality; and

(5) Renewal fee as described in Subpart 16 of this part.

Subpart 11. Lapsed Licenses or Certificates

20 CAR § 860-1101. Expired licenses or certificates.

Any license or certificate holder who allows a license or certificate to expire shall not conduct asbestos-related work subject to the requirements of this part until:

(1) All renewal requirements have been met; and

(2) A new license or certificate has been issued by the Division of Environmental Quality.

20 CAR § 860-1102. Refresher course.

Any license or certificate holder may complete the appropriate refresher course within twelve (12) months of the expiration of the license or certificate without being required to comply with the initial training requirements.

Subpart 12. Training

20 CAR § 860-1201. Training providers.

Formal training for licensing and certification, which is intended to meet the training requirements of the act and this part, may be conducted by any educational institution, business entity, or individual that is licensed as a training provider pursuant to this rule.

20 CAR § 860-1202. Minimum requirements.

Each initial training course for each discipline taught shall meet the requirements of the MAP and this part including the course content as outlined at Subpart 13 of this part and the following minimum requirements:

(1) For workers:

(A) Course length must be a minimum of thirty-two (32) hours (four [4] eight-hour days) including lectures, demonstrations, instruction on individual respirator fit-testing, and course review with a minimum of fourteen (14) hours devoted to hands-on instruction; and

(B) A closed-book written exam of at least fifty (50) multiple-choice questions and a minimum passing score of at least seventy percent (70%);

(2) For inspectors:

(A) Course length must be a minimum of twenty-four (24) hours (three [3] eight-hour days) including:

(i) Lectures;

(ii) Demonstrations;

(iii) Instruction on individual respirator fit-testing;

(iv) Course review; and

(v) A minimum of four (4) hours of hands-on instruction; and

(B) A closed-book written exam of at least fifty (50) multiple-choice questions and a minimum passing score of seventy percent (70%);

(3) For management planners:

(A)(i) All persons seeking accreditation as management planners shall complete a:

(a) Twenty-four-hour (three [3] eight-hour days) inspector training course as outlined in this section; and

(b) Sixteen-hour (two [2] eight-hour days) management planner training course.

(ii) Possession of current and valid inspector accreditation shall be a prerequisite for admission to the management planner training course.

(iii) The management planner course shall include lectures,

demonstrations, and course review; and

(B) A closed-book written exam of at least fifty (50) multiple choice questions with a minimum passing score of seventy percent (70%);

(4) For project designers:

(A) Course length must be a minimum of twenty-four (24) hours (three [3] eight-hour days) including:

(i) Lectures;

(ii) Demonstrations;

(iii) A field trip; and

(iv) Course review; and

(B) A closed-book written exam of at least one hundred (100) multiple choice questions and a minimum passing score of at least seventy percent (70%);

(5) For contractor/supervisors:

(A) Course length must be a minimum of forty (40) hours (five [5] eight-hour days) including:

(i) Lectures;

(ii) Demonstrations;

(iii) Instruction on individual respirator fit-testing;

(iv) Course review; and

(v) A minimum of fourteen (14) hours of hands-on training; and

(B) A closed-book written exam of one hundred (100) multiple choice questions with a minimum passing score of seventy percent (70%); and

(6) For air monitors:

(A)(i) All persons seeking accreditation as an air monitor shall complete:

(a) A forty-hour (five [5]eight-hour days) contractor/supervisor training course as outlined in this section; and

(b)(1) An air monitoring training course.

(2) Unless the applicant possesses certification as a certified industrial hygienist, then current certified industrial hygienist certification will replace the requirement of the air monitoring training course.

(ii) Air monitors are required to take the contractor/supervisor course and the applicable refresher course.

(iii)*(a)* Possession of current and valid contractor/supervisor accreditation shall be a prerequisite for admission to the air monitoring training course.

(b) Course length must be a minimum of twelve (12) hours (one and one-half [1 ½] eight-hour days) including:

(1) Lectures;

(2) Demonstrations;

(3) Instruction;

(4) Course review; and

(5) A minimum of four (4) hours of hands-on training; and

(B) A closed-book written exam of fifty (50) multiple choice questions with a minimum passing score of seventy percent (70%).

20 CAR § 860-1203. Discipline training.

Each discipline shall have its own separate and distinct training course and shall not be combined with any other training courses unless otherwise specified herein.

20 CAR § 860-1204. Examination.

A member of the licensed training provider staff must be present at all times during the written examination.

20 CAR § 860-1205. Division representatives — Course attendance.

(a) Provisions shall be made to allow a representative of the Division of Environmental Quality to attend one (1) or more presentations of any course conducted by a licensed training provider without payment of any associated fees.

(b) This attendance shall be for the purpose of determining compliance with this rule and the correctness of the information being presented.

(c) The Director of the Division of Environmental Quality may revoke, suspend, or deny the application of any training license on the basis of findings resulting from this

attendance.

20 CAR § 860-1206. Out-of-state training.

(a) Individuals who have successfully completed approved training courses conducted by a training provider not licensed in accordance with this part, or who received training by an Arkansas-licensed training provider where the items listed in 20 CAR § 860-1307 were not taught, shall attend a two-hour awareness training course to learn about Arkansas asbestos regulatory requirements and policies.

(b) Such awareness training shall be conducted by a training provider that has been licensed in accordance with this part.

20 CAR § 860-1207. Minimum record keeping requirements.

All licensed training providers must comply with the following minimum record keeping requirements:

(1)(A) Training course materials.

(B) A licensed training provider must retain copies of all instructional materials used in the delivery of the classroom training such as:

(i) Student manuals;

(ii) Instructor notebooks; and

(iii) Handouts;

(2)(A) Instructor qualifications.

(B)(i) A licensed training provider must retain copies of all instructors' résumés and any documents referenced by the résumés, or, for published documents, a bibliography citation sufficient to allow for the documents to be located.

(ii) Records must accurately identify the instructors that taught each particular course for each date that a course is offered;

(3)(A) Examinations.

(B)(i) A licensed training provider must document that each person who receives an accreditation certificate for an initial training course has achieved a passing score on the examination.

(ii) These records must clearly indicate:

(a) The date upon which the exam was administered;

(b) The training course title;

(c) The discipline for which the exam was given;

(d) The name of the person who supervised the exam;

(e) A copy of the exam; and

(f) The name and test score of each person taking the exam.

(iii) The topic and dates of the training course must correspond to those listed on that person's accreditation certificate;

(4)(A) Accreditation certificates.

(B) The licensed training providers shall maintain records that document:

(i) The names of all persons who have been awarded certificates;

(ii) Their certificate numbers;

(iii) The disciplines for which accreditation was conferred;

(iv) Training and expiration dates;

(v) The training location; and

(vi)*(a)* A class photograph which clearly shows the faces of each student successfully completing the initial course and a caption identifying each attendee.

(b) The photo is not required for refresher courses required at Subpart 14 of this part;

(C) The licensed training provider shall maintain the records in a manner that allows verification by telephone of the information required in subdivision (4)(B) of this section;

(5)(A) Verification of certificate information.

(B) Providers of refresher training courses shall confirm that their students possess valid accreditation before granting course admission.

(C) Licensed training providers offering the initial management planner or air monitor training courses shall verify that students have met the prerequisite training and certification at the time of course admission;

(6)(A) Records retention and access.

(B) The licensed training provider shall maintain all required records for a minimum of three (3) years;

(7) The licensed training provider must allow reasonable access to all records required by this part and the MAP for the approval of asbestos training providers to the Division of Environmental Quality and the United States Environmental Protection Agency, on request;

(8) If a licensed training provider ceases to conduct training, the training provider shall notify the division and allow the opportunity for the division to take possession of that provider's asbestos training records; and

(9) The division may require a training provider to produce copies or provide for inspection of any of the asbestos training records or materials listed in this section.

20 CAR § 860-1208. Accreditation certificates.

Each individual who successfully completes the requirements of a training course shall be presented with an accreditation certificate which contains the following information:

(1) The name of the individual who is being awarded the accreditation certificate;

(2) The accreditation certificate number;

(3) The disciplines for which the accreditation certificate is being awarded;

(4) The training date;

(5) The accreditation certificate expiration date; and

(6) A statement indicating the items listed in 20 CAR § 860-1307 were taught.

Subpart 13. Training Course Content

20 CAR § 860-1301. Training course content — Worker.

The worker training course shall adequately address the following topics:

(1) Physical characteristics of asbestos:

(A) Identification of asbestos;

(B) Aerodynamic characteristics;

(C) Typical uses;

(D) Physical appearance; and

(E) Summary of abatement control options;

(2) Potential health effects related to asbestos exposure:

(A) Nature of asbestos-related disease;

(B) Routes of exposure;

(C) Dose-response relationships and the lack of a safe exposure level;

(D) Synergistic effect between cigarette smoking and asbestos exposure;

(E) Latency periods for asbestos-related diseases; and

(F) Discussion of the relationship of asbestos exposure to:

(i) Asbestosis;

(ii) Lung cancer;

(iii) Mesothelioma; and

(iv) Cancers of other organs;

(3) Employee personal protective equipment:

(A) Classes and characteristics of respirator types;

(B) Limitations of respirators;

(C) Proper selection and inspection;

(D) Donning, use, maintenance, and storage procedures for respirators;

(E) Methods for field testing of the face piece-to-face seal (positive- and negative-pressure fit checks);

(F) Qualitative and quantitative fit testing procedures;

(G) Variability between field and laboratory protection;

(H) Factors that alter respiratory fit, e.g., facial hair;

(I) Components of a proper respiratory protection program;

(J) Selection and use of personal protective clothing;

(K) Use, storage, and handling of non-disposable clothing; and

(L) Regulations covering personal protective equipment;

(4) State-of-the-art work practices:

(A) Proper work practices for asbestos abatement activities, including descriptions of proper construction;

(B) Maintenance of barriers and decontamination enclosure systems;

(C) Positioning of warning signs;

(D) Lock-out of electrical and ventilation systems;

(E) Proper working techniques for minimizing fiber release;

(F) Use of wet methods;

(G) Use of negative pressure exhaust ventilation equipment;

(H) Use of HEPA vacuums;

(I) Proper cleanup and disposal procedures;

(J) Work practices for removal, encapsulation, enclosure, and repair of ACM;

(K) Emergency procedures for sudden releases;

(L) Potential exposure situations;

(M) Transport and disposal procedures; and

(N) Recommended and prohibited work practices;

(5) Personal hygiene:

(A) Entry and exit procedures for the work area;

(B) Use of showers;

(C) Avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area; and

(D) Potential exposures, such as family exposure;

(6)(A) Additional safety hazards.

(B) Hazards encountered during abatement activities and how to deal with them, including:

(i) Electrical hazards;

(ii) Heat stress;

(iii) Air contaminants other than asbestos;

(iv) Fire and explosion hazards;

(v) Scaffold and ladder hazard;

(vi) Slips, trips, and falls; and

(vii) Confined spaces;

(7)(A) Medical monitoring.

(B) United States Occupational Safety and Health Administration and United States Environmental Protection Agency Worker Protection Rule requirements for physical examinations, including:

(i) Pulmonary function test;

(ii) Chest x-rays; and

(iii) Medical history for each employee;

(8)(A) Air monitoring.

(B) Procedures to determine airborne concentrations of asbestos fibers, including:

(i) Descriptions of aggressive air sampling;

(ii) Sampling equipment and methods;

(iii) Reasons for air monitoring;

(iv) Types of samples; and

(v) Interpretation of results;

(9) Relevant federal, Arkansas, and local regulatory requirements, procedures, and standards, including but not limited to the items listed in 20 CAR § 860-1307, with particular attention directed at relevant United States Environmental Protection Agency, United States Occupational Safety and Health Administration, and state regulations concerning asbestos abatement workers;

(10) Establishment of respiratory protection programs; and

(11)(A) Course review.

(B) A review of key aspects of the training course.

20 CAR § 860-1302. Training course content — Contractor/supervisor.

The contractor/supervisor training course shall adequately address the following topics:

(1) The physical characteristics of asbestos and ACM:

(A) Identification of asbestos;

(B) Aerodynamic characteristics;

(C) Typical uses;

(D) Physical appearance;

(E) Review of hazard assessment considerations; and

(F) Summary of abatement control options;

(2) Potential health effects related to asbestos exposure:

(A) Nature of asbestos-related diseases;

(B) Routes of exposure;

(C) Dose-response relationships and the lack of a safe exposure level;

(D) Synergism between cigarette smoking and asbestos exposure; and

(E) Latency period for diseases;

(3) Employee personal protective equipment:

(A) Classes and characteristics of respirator types;

(B) Limitations of respirators;

(C) Proper selection and inspection;

(D) Donning, use, maintenance, and storage procedures for respirators;

(E) Methods for field testing of the face piece-to-face seal (positive- and negative-pressure fit checks);

(F) Qualitative and quantitative fit testing procedures;

(G) Variability between field and laboratory protection factors that alter respiratory fit. e. g., facial hair;

(H) Components of a proper respiratory protection program;

(I) Selection and use of personal protective clothing;

(J) Use, storage, and handling of non-disposable clothing; and

(K) Regulations covering personal protective equipment;

(4)(A) State-of-the-art work practices.

(B) Proper work practices for asbestos abatement activities including:

(i) Descriptions of proper construction and maintenance of barriers

and decontamination enclosure systems;

(ii) Positioning of warning signs;

(iii) Lock-out of electrical and ventilation systems;

(iv) Proper working techniques for minimizing fiber release;

(v) Use of wet methods;

(vi) Use of negative pressure exhaust ventilation equipment;

(vii) Use of HEPA vacuums and proper cleanup and disposal procedure;

(viii) Work practices for removal, encapsulation, enclosure, and repair of ACM;

(ix) Emergency procedures for unplanned releases;

(x) Potential exposure situations;

(xi) Transport and disposal procedures and recommended and prohibited work practices; and

(xii) New abatement-related techniques and methodologies may be discussed;

(5) Personal hygiene:

(A) Entry and exit procedures for the work area;

(B) Use of showers;

(C) Avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area; and

(D) Potential exposures, such as family exposure, shall also be included;

(6)(A) Additional safety hazards.

(B) Hazards encountered during abatement activities and how to deal with them, including:

(i) Electrical hazards;

(ii) Heat stress;

(iii) Air contaminants other than asbestos;

(iv) Fire and explosion hazards;

(v) Scaffold and ladder hazards;

(vi) Slips, trips, and falls; and

(vii) Confined spaces.

(7)(A) Medical monitoring.

(B) United States Occupational Safety and Health Administration and United States Environmental Protection Agency Worker Protection Rule requirements for physical examinations including:

(i) Pulmonary function test;

(ii) Chest x-rays; and

(iii) Medical history for each employee;

(8)(A) Air monitoring.

(B) Procedures to determine airborne concentrations of asbestos fibers including:

(i) Descriptions of aggressive air sampling;

(ii) Sampling equipment and methods;

(iii) Reasons for air monitoring;

(iv) Types of samples; and

(v) Interpretation of results;

(9) Relevant federal, Arkansas, and local regulatory requirements, procedures, and standards including:

(A) Requirements of the Toxic Substances Control Act, Title II;

(B) National Emission Standards for Hazardous Air Pollutants, 40 C.F.R. pt. 61, subpts. A, General Provisions, and M, National Emission Standard for Asbestos;

(C) United States Occupational Safety and Health Administration standards for permissible exposure to airborne concentrations of asbestos fibers respiratory protection, 29 C.F.R. § 1910.134, and subsequent changes;

(D) United States Occupational Safety and Health Administration Asbestos Construction Standard, 29 C.F.R. § 1926.1101, or any subsequent revisions;

(E) United States Environmental Protection Agency Asbestos Worker Protection Rule, 40 C.F.R. pt. 763, subpt. G, or any subsequent revisions; and

(F) The items listed in 20 CAR § 860-1307;

(10) Respiratory protection programs and medical monitoring programs;

(11) Insurance and liability issues:

(A) Contractor issues;

(B) Workers' compensation coverage and exclusions;

(C) Third-party liabilities and defenses; and

(D) Insurance coverage and exclusions;

(12) Record keeping for asbestos abatement projects:

(A) Records required by federal, Arkansas, and local regulations; and

(B) Records recommended for legal and insurance purposes;

(13)(A) Supervisory techniques for asbestos abatement activities.

(B) Supervisory practices to enforce and reinforce the required work practices and discourage unsafe work practices;

(14)(A) Contract specifications.

(B) Discussions of key elements that are included in contract specifications; and

(15)(A) Course review.

(B) A review of key aspects of the training course.

20 CAR § 860-1303. Training course content — Inspector.

The inspector training course shall adequately address the following topics:

(1) Background information on asbestos:

(A) Identification of asbestos and examples;

(B) Discussion of the uses and locations of asbestos in buildings; and

(C) Physical appearance of asbestos;

(2) Potential health effects related to asbestos exposure:

(A) Nature of asbestos-related diseases;

(B) Routes of exposure;

(C) Dose-response relationships and the lack of a safe exposure level;

(D) Synergistic effect between cigarette smoking and asbestos exposure;

(E) Latency periods for asbestos-related diseases; and

(F) Discussion of the relationship of asbestos exposure to:

(i) Asbestosis;

(ii) Lung cancer;

(iii) Mesothelioma; and

(iv) Cancers of other organs;

(3) Functions and qualifications and role of inspectors:

(A) Discussions of prior experience and qualifications for inspectors and management planners;

(B) Discussions of the functions of an accredited inspector as compared to those of an accredited management planner; and

(C) Discussion of inspection process including inventory of ACM and physical assessment;

(4) Legal liabilities and defenses:

(A) Responsibilities of the inspector and management planner;

(B) Discussion of comprehensive general liability policies;

(C) Claims-made and occurrence-based policies;

(D) Environmental and pollution liability policy clauses;

(E) State liability insurance requirements; and

(F) Bonding and the relationship of insurance availability to bond availability;

(5)(A) Understanding building systems.

(B) The interrelationship between building systems including:

(i) Overview of common building physical plan layout;

(ii) Heating, ventilation, and air conditioning (HVAC) system types;

(iii) Physical organization, and where asbestos is found on HVAC components;

(iv) Building mechanical systems, their types and organization, and where to look for asbestos on such systems;

(v) Inspecting electrical systems, including appropriate safety precautions; and

(vi) Reading blueprints and as-built drawings;

(6) Public, employee, and building occupant relations:

(A) Notifying employee organizations about the inspection;

(B) Signs to warn building occupants;

(C) Tact in dealing with occupants and the press;

(D) Scheduling of inspections to minimize disruptions; and

(E) Education of building occupants about actions being taken;

(7) Preinspection planning and review of previous inspection records:

(A) Scheduling the inspection and obtaining access;

(B) Building record review;

(C) Identification of probable homogeneous areas from blueprints or as-built drawings;

(D) Consultation with maintenance or building personnel;

(E) Review of previous inspection, sampling, and abatement records of a building; and

(F) Role of the inspector in exclusions for previously performed inspections;

(8) Inspecting for friable and nonfriable ACM and assessing the condition of friable ACM:

(A) Procedures to follow in conducting visual inspections for friable and nonfriable ACM;

(B) Types of building materials that may contain asbestos;

(C) Touching materials to determine friability;

(D) Open return air plenums and their importance in HVAC systems;

(E) Assessing:

(i) Damage;

(ii) Significant damage;

(iii) Potential damage; and

(iv) Potential significant damage;

(F) Amount of suspected ACM, both in total quantity and as a percentage

of the total area;

(G) Type of damage;

(H) Accessibility;

(I) Material's potential for disturbance;

(J) Known or suspected causes of damage or significant damage; and

(K) Deterioration as assessment factors;

(9) Bulk sampling and documentation of asbestos:

(A) Detailed discussion of the "Asbestos in Buildings: Simplified Sampling Scheme for Friable Surfacing Materials" (EPA 560/5-85-03 0ctober 1985) and any subsequent revisions;

(B) Techniques to ensure sampling in a randomly distributed manner for other than friable surfacing materials;

(C) Sampling of nonfriable materials;

(D) Techniques for bulk sampling;

(E) Inspector sampling and repair equipment;

(F) Patching or repair of damage from sampling;

(G) Discussion of polarized light microscopy;

(H) Choosing an accredited laboratory to analyze bulk samples; and

(I) Quality control and quality assurance procedures;

(10) Inspector respiratory protection and personal protective equipment:

(A) Classes and characteristics of respirator types;

(B) Limitations of respirators;

(C) Proper selection and inspection;

(D) Donning, use, maintenance, and storage procedures for respirators;

(E) Methods for field testing of the face piece-to-face seal (positive- and negative-pressure fit checks);

(F) Qualitative and quantitative fit testing procedures;

(G) Variability between field and laboratory protection factors that alter respiratory fit, e.g., facial hair;

(H) Components of a proper respiratory protection program;

(I) Selection and use of personal protective clothing; and

(J) Use, storage, and handling of non-disposable clothing;

(11) Record keeping and writing the inspection report:

(A) Labeling of samples and keying sample identification to sampling location;

(B) Recommendations on sample labeling;

(C) Detailing of ACM inventory;

(D) Photographs of selected sampling areas and examples of ACM condition; and

(E) Information required for school buildings under the Toxic Substances Control Act, Title II, § 203(i)(1);

(12)(A) Regulatory review.

(B) The following topics should be covered:

(i) NESHAP, 40 C.F.R. pt. 61, subpts. A and M;

(ii) United States Environmental Protection Agency Worker Protection Rule, 40 C.F.R. pt. 763, subpt. G;

(iii) United States Occupational Safety and Health Administration Asbestos Construction Standard, 29 C.F.R. § 1926.1101;

(iv) United States Occupational Safety and Health Administration respirator requirements, 29 C.F.R. § 1910.134;

(v) The Friable Asbestos in Schools Rule, 40 C.F.R. pt. 763, subpt. E; and

(vi) Applicable Arkansas and local regulations including but not limited to the items listed in 20 CAR § 860-1307, and the effects, if any, on public and nonpublic schools or commercial or public buildings;

(13)(A) Field trip.

(B) This includes a field exercise including:

(i) Walk-through inspection;

(ii) On-site discussion about information gathering and the determination of sampling locations;

(iii) On-site practice in physical assessment; and

(iv) Classroom discussion of field exercise; and

(14)(A) Course review.

(B) A review of key aspects of the training course.

20 CAR § 860-1304. Training course content — Management planner.

The management planner training course shall adequately address the following topics:

(1)(A) Course overview.

(B) The role and responsibilities of the management planner:

(i) Operations and maintenance programs;

(ii) Setting work priorities; and

(iii) Protection of building occupants;

(2) Evaluation/interpretation of survey results:

(A) Review of Toxic Substances Control Act Title II requirements for inspection and management plans for school buildings as given in Section 203(i)(1) of Toxic Substances Control Act of 1976, Title II;

(B) Interpretation of field data and laboratory results; and

(C) Comparison of field inspector's data sheet with laboratory results and site survey;

(3) Hazard assessment:

(A) Amplification of the difference between physical assessment and hazard assessment;

(B) Role of the management planner in hazard assessment;

(C) Explanation of:

(i) Significant damage;

(ii) Potential damage; and

(iii) Potential significant damage;

(D) Use of a description, or decision tree, code for assessment of ACM;

(E) Assessment of friable ACM; and

(F) Relationship of accessibility, vibration sources, use of adjoining space and air plenums, and other factors to hazard assessment;

(4) Legal implications:

(A) Liability;

(B) Insurance issues specific to planners;

(C) Liabilities associated with:

(i) Interim control measures;

(ii) In-house maintenance;

(iii) Repair; and

(iv) Removal; and

(D) Use of results from previously performed inspections;

(5) Evaluation and selection of control options:

(A) Overview of encapsulation;

(B) Enclosure;

(C) Interim operations and maintenance and removal;

(D) Advantages and disadvantages of each method;

(E) Response actions described via a decision tree or other appropriate method;

(F) Work practices for each response action;

(G) Staging and prioritizing of work in both vacant and occupied buildings; and

(H) Need for containment barriers and decontamination in response actions;

(6) Role of other professionals:

(A) Use of industrial hygienists, engineers, and architects in developing technical specifications for response actions;

(B) Any requirements that may exist for architect sign-off of plans; and

(C) Team approach to design of high-quality job specifications;

(7) Developing an operations and maintenance (O & M) plan:

(A) Purpose of the plan;

(B) Discussion of applicable United States Environmental Protection Agency guidance documents;

(C) What actions should be taken by custodial staff, proper cleaning procedures;

(D) Steam cleaning and HEPA vacuuming;

(E) Reducing disturbance of ACM;

(F) Scheduling O & M for off-hours;

(G) Rescheduling or canceling renovation in areas with ACM;

(H) Boiler room maintenance;

(I) Disposal of ACM;

(J) In-house procedures for ACM-bridging and penetrating encapsulant;

(K) Pipe fittings and metal sleeves;

(L) Polyvinyl chloride (PVC), canvas, and wet wraps;

(M) Muslin with straps, fiber mesh cloth;

(N) Mineral wool and insulating cement;

(O) Discussion of employee protection programs and staff training; and

(P) Case study in developing an O & M plan (development, implementation process, and problems that have been experienced);

(8)(A) Regulatory review.

(B) Focusing on:

(i) The United States Occupational Safety and Health Administration Asbestos Construction Standard found at 29 C.F.R. § 1926.1101 and subsequent revisions;

(ii) NESHAP found at 40 C.F.R. pt. 61, subpts. A, (General Provisions) and M (National Emission Standard for Asbestos);

(iii) United States Environmental Protection Agency Worker Protection Rule found at 40 C.F.R. pt. 763, subpt. G;

(iv) Toxic Substances Control Act of 1976, Title II; and

(v) Applicable Arkansas rules including but not limited to the items listed in 20 CAR § 860-1307;

(9) Record keeping of the management planner:

(A) Use of field inspector's data sheet along with laboratory results;

(B) Ongoing record keeping as a means to track asbestos disturbance; and

(C) Procedures for record keeping;

(10) Assembling and submitting the management plan:

(A) Plan requirements for schools in Toxic Substances Control Act, Title II Section 203(I)(1); and

(B) The management plan as a planning tool;

(11) Financing abatement actions:

(A) Economic analysis and cost estimates;

(B) Development of cost estimates;

(C) Present costs of abatement versus future operation and maintenance cost; and

(D) Asbestos School Hazard Abatement Act grants and loans; and

(12)(A) Course review.

(B) A review of key aspects of the training course.

20 CAR § 860-1305. Training course content — Project designer.

The project designer training course shall adequately address the following topics:

(1) Background information on asbestos:

(A) Identification of asbestos;

(B) Examples and discussion of the uses and locations of asbestos in buildings; and

(C) Physical appearance of asbestos;

(2) Potential health effects related to asbestos exposure:

(A) Nature of asbestos-related disease and routes of exposure;

(B) Dose-response relationships and the lack of a safe exposure level;

(C) Synergistic effect between cigarette smoking and asbestos exposure;

(D) Latency periods for asbestos-related diseases; and

(E) Discussion of the relationship of asbestos exposure to:

(i) Asbestosis;

(ii) Lung cancer;

(iii) Mesothelioma; and

(iv) Cancers of other organs;

(3) Overview of abatement construction projects:

(A) Abatement as a portion of a renovation project; and

(B) United States Occupational Safety and Health Administration requirements for notification of other contractors on a multi-employer site, 29 C.F.R. § 1926.1101;

(4) Safety system design specifications:

(A) Design, construction, and maintenance of containment barriers and decontamination enclosure systems;

(B) Positioning of warning signs;

(C) Electrical and ventilation system lockout;

(D) Proper working techniques for minimizing fiber release;

(E) Entry and exit procedures for the work area;

(F) Use of wet methods;

(G) Proper techniques for initial cleaning;

(H) Use of negative-pressure exhaust ventilation equipment;

(I) Use of HEPA vacuums;

(J) Proper cleanup and disposal of asbestos;

(K) Work practices as they apply to encapsulation, enclosure, and repair; and

(L) Use of glovebags and a demonstration of glovebag use;

(5)(A) Field trip.

(B) A visit to an abatement site or other suitable building site, including on-site discussions of abatement design and building walk-through inspection and a discussion of the rationale for the concept of functional spaces during the walk-through;

(6) Employee personal protective equipment:

(A) Classes and characteristics of respirator types;

(B) Limitations of respirators;

(C) Proper selection and inspection;

(D) Donning, use, maintenance, and storage procedures for respirators;

(E) Methods for field testing of the face piece-to-face seal (positive- and negative-pressure fit checks);

(F) Qualitative and quantitative fit testing procedures;

(G) Variability between field and laboratory protection factors that alter respiratory fit, e.g., facial hair;

(H) Components of a proper respiratory protection program;

(I) Selection and use of personal protective clothing;

(J) Use, storage, and handling of non-disposable clothing; and

(K) Regulations covering personal protective equipment;

(7)(A) Additional safety hazards.

(B) Hazards encountered during abatement activities and how to deal with them, including:

(i) Electrical hazards;

(ii) Heat stress;

(iii) Contaminants other than asbestos; and

(iv) Fire and explosion hazards;

(8) Fiber aerodynamics and control:

(A) Aerodynamic characteristics of asbestos fibers;

(B) Importance of proper containment barriers;

(C) Settling time for asbestos fibers;

(D) Wet methods in abatement;

(E) Aggressive air monitoring following abatement; and

(F) Aggressive air movement and negative-pressure exhaust ventilation as a cleanup method;

(9) Designing abatement solutions:

(A) Discussions of removal, enclosure, and encapsulation methods; and

(B) Asbestos waste disposal;

(10) Final clearance process:

(A) Discussion of the need for a written sampling rationale for aggressive final air clearance;

(B) Requirements of a complete visual inspection; and

(C) Relationship of the visual inspection to final air clearance;

(11) Budgeting and cost estimating:

(A) Development of cost estimates;

(B) Present costs of abatement versus future operation and maintenance costs; and

(C) Setting priorities of abatement jobs to reduce costs;

(12) Writing abatement specifications:

(A) Preparation of and need for a written project design;

(B) Means and methods specifications versus performance specifications;

(C) Design of abatement in occupied buildings;

(D) Modification of guide specifications for a particular building;

(E) Worker and building occupant health and medical considerations; and

(F) Replacement of ACM with nonasbestos substitutes;

(13) Preparing abatement drawings:

(A) Significance and need for drawings;

(B) Use of as-built drawings as base drawings;

(C) Use of inspection photographs and on-site reports;

(D) Methods of preparing abatement drawings;

(E) Diagraming containment barriers;

(F) Relationship of drawings to design specifications; and

(G) Particular problems related to abatement drawings;

(14) Contract preparation and administration;

(15) Legal/liabilities/defenses:

(A) Insurance considerations;

(B) Bonding and hold-harmless clauses;

(C) Use of abatement contractor's liability insurance; and

(D) Claims-made versus occurrence-based policies;

(16) Replacement of asbestos with asbestos-free substitutes;

(17) Role of other consultants:

(A) Development of technical specification sections by industrial hygienists or engineers; and

(B) Multi-disciplinary team approach to abatement design;

(18) Occupied buildings:

(A) Special design procedures required in occupied buildings;

(B) Education of occupants;

(C) Extra monitoring recommendations;

(D) Staging of work to minimize occupancy exposure; and

(E) Scheduling of renovation to minimize exposure;

(19) Relevant federal, Arkansas, and local regulatory requirements, procedures, and standards, including, but not limited to the items listed in 20 CAR § 860-1307 and:

(A) Requirements of Toxic Substances Control Act, Title II;

(B) NESHAP, 40 C.F.R. pt. 61, subpts. A (General Provisions) and M (National Emission Standard for Asbestos);

(C) United States Occupational Safety and Health Administration Respirator Standard found in 29 C.F.R. § 1910.134;

(D) United States Environmental Protection Agency Worker Protection Rule found in 40 C.F.R. pt. 763, subpt. G;

(E) United States Occupational Safety and Health Administration Asbestos Construction Standard found in 29 C.F.R. § 1926.1101; and

(F) United States Occupational Safety and Health Administration Hazard Communication Standard found in 29 C.F.R. § 1926.59; and

(20)(A) Course review.

(B) A review of key aspects of the training course.

20 CAR § 860-1306. Training course content — Air monitor.

The air monitor training course shall adequately address the following topics:

(1) Generally, types of air monitoring:

(A) Personal air monitoring;

(B) Area air monitoring;

(C) Preclearance air monitoring; and

(D) Clearance air monitoring;

(2) Purpose and intent of clearance air monitoring;

(3) How to conduct clearance air monitoring;

(4) How to conduct aggressive sampling;

(5) Calibration of instruments;

(6) Selection of appropriate equipment and media;

(7) Sample placement;

(8) Calculations, chain of custody, preparation of reports, and sample labeling;

(9) General discussion of laboratories;

(10) Health considerations including decontaminating the equipment and the person performing the air monitoring;

(11) Hands-on demonstration of the following:

(A) Calculations;

(B) Calibration of instruments;

(C) Placement of air monitors;

(D) Aggressive air monitoring;

(E) Decontamination procedures; and

(F) Labeling; and

(12) Course overview.

20 CAR § 860-1307. Out-of-state training.

(a) Arkansas regulatory awareness training course is a two-hour course for individuals who have successfully completed an ASHARA-approved training course conducted by a training provider not licensed in accordance with this part.

(b) The course shall address, at a minimum, the following topics:

(1) The Division of Environmental Quality's relationship with the United States Environmental Protection Agency, including the delegation of authority to operate federal regulations;

(2) The division's authority to enforce regulations on federal facilities;

(3) The difference between NESHAP and this part;

(4) The relationship between the division and United States Occupational Safety and Health Administration; and

(5) The certification and licensing requirements in Arkansas.

Subpart 14. Refresher Training Course

20 CAR § 860-1401. Refresher training.

(a) Asbestos abatement contractor/supervisors, inspectors, management planners, project designers, and workers shall annually attend a refresher training course for reaccreditation in their respective disciplines, with the exception that air monitors will receive the refresher training through the contractor/supervisor training course.

(b) After completing the annual refresher course, each person shall be eligible to apply to the Division of Environmental Quality to have his or her State of Arkansas certification renewed in accordance with Subpart 10 of this part.

20 CAR § 860-1402. Refresher training — Minimum length.

The minimum length for each refresher course for each discipline shall be as follows:

(1) For workers, one (1) full day (eight [8] hours);

(2) For contractor/supervisors, one (1) full day (eight [8] hours);

(3) For inspectors, one-half (1/2) day (four [4] hours);

(4) For management planners:

(A) One-half (1/2) day (four [4] hours) of inspector refresher training; and

(B) One-half (1/2) day (four [4] hours) of management planning refresher

course; and

(5) For project designers, one (1) full day (eight [8] hours).

20 CAR § 860-1403. Refresher training — Minimum requirements.

Each refresher training course shall, at a minimum, address the following:

(1) Changes in federal and state regulations;

(2) Developments in state-of-the-art procedures; and

(3) Review of key aspects of the initial training course.

20 CAR § 860-1404. Separate refresher courses.

Refresher courses shall be conducted as separate and distinct courses and shall not be combined with any other training during the period of the refresher course.

Subpart 15. Denial and Revocation

20 CAR § 860-1501. Denial, suspension, and revocation.

The Division of Environmental Quality may deny the application, suspend, or revoke the license or certification of asbestos abatement contractors, asbestos abatement consultants, air monitors, contractor/supervisors, inspectors, management planners, project designers, or workers for reasons including, but not limited to, the following:

(1) Performing work requiring accreditation at a job site without being in physical possession of initial and current accreditation certificates and/or licenses;

(2) Permitting the duplication and/or use of one's own accreditation certificate and/or license by another;

(3) Performing work for which certification and/or licensing has not been received;

(4) Obtaining certification from a training provider that does not have approval to offer training for the particular discipline from either the United States Environmental Protection Agency or from the division;

(5) Failure to comply with the terms of a Consent Administrative Order (CAO), a Default Administrative Order (DAO), an Emergency Order (EO), or any other final order issued by the division and/or the Arkansas Pollution Control and Ecology Commission;

(6) Being subject to a final order imposing a civil penalty or conviction under:

(A) Section 16 of the Toxic Substances Control Act, 15 U.S.C. §§ 2615 or 2647, for violations of 40 C.F.R. pt. 763; or

(B) Section 113 of the Clean Air Act, 42 U.S.C. § 7413, for violations of 40 C.F.R. pt. 61, subpt. M; or

(7) Any violation of the provisions of the act or this part.

20 CAR § 860-1502. Nonaccredited persons.

The following persons are not accredited for purposes of this rule:

(1) Any person who obtains accreditation through fraudulent representation of training or examination documents;

(2) Any person who obtains training documentation through fraudulent means;

(3) Any person who gains admission to and completes refresher training through fraudulent representation of initial or previous refresher training documentation; or

(4) Any person who obtains accreditation through fraudulent representation of accreditation requirements such as:

(A) Education;

(B) Training;

(C) Professional registration; or

(D) Experience.

20 CAR § 860-1503. Training licensing.

Training course approval or training provider licensing may be revoked for the following reasons:

(1) Misrepresentation of the extent of a training course's approval pursuant to

this rule;

(2) Failure to submit required information or notifications in a timely manner;

(3) Failure to maintain requisite records;

(4) Falsification of:

(A) Accreditation records;

(B) Instructor qualifications; or

(C) Other accreditation information;

(5) Failure to adhere to the training standards and requirements of the United States Environmental Protection Agency MAP or State Accreditation Program, as appropriate;

(6) Failure to comply with the terms of an NOV or a CAO issued by the Division of Environmental Quality;

(7) Being subject to a final order imposing a civil penalty or conviction under:

(A) Section 16 of the Toxic Substances Control Act, 15 U.S.C. § 2615 or 2647, for violations of 40 C.F.R. pt. 763; or

(B) Section 113 of the Clean Air Act, 42 U.S.C. § 7413, for violations of 40 C.F.R. pt. 61, subpt. M; or

(8) Any violation of the provisions of Arkansas Code § 20-27-1001 et seq. or this rule.

Subpart 16. Fee Assessment

20 CAR § 860-1601. Fee assessment — Generally.

In order to support the costs of operating the asbestos program in the State of Arkansas, the Division of Environmental Quality will assess the fees as described in this subpart.

20 CAR § 860-1602. Asbestos abatement consultant fee.

Any asbestos abatement consultant desiring a license to conduct asbestos abatement activities will be assessed an annual fee of three hundred seventy-five

dollars ($375).

20 CAR § 860-1603. Asbestos abatement contractor fee.

Any asbestos abatement contractor desiring a license to conduct asbestos abatement activities will be assessed an annual fee of three hundred seventy-five dollars ($375).

20 CAR § 860-1604. Training provider fee.

Any training provider desiring a license to conduct asbestos training courses will be assessed an annual fee of three hundred seventy-five dollars ($375).

20 CAR § 860-1605. Air monitor fee.

Any person desiring certification as an air monitor will be assessed an annual fee of one hundred fifteen dollars ($115).

20 CAR § 860-1606. Contractor/supervisor fee.

Any person desiring certification as a contractor/supervisor will be assessed an annual fee of one hundred fifteen dollars ($115).

20 CAR § 860-1607. Inspector fee.

Any person desiring certification as an inspector will be assessed an annual fee of one hundred fifteen dollars ($115).

20 CAR § 860-1608. Management planner fee.

Any person desiring certification as a management planner will be assessed an annual fee of one hundred fifteen dollars ($115).

20 CAR § 860-1609. Project designer fee.

Any person desiring certification as a project designer will be assessed an annual fee of one hundred fifteen dollars ($115).

20 CAR § 860-1610. Worker fee.

Any person desiring certification as a worker will be assessed an annual fee of twenty-five dollars ($25.00).

20 CAR § 860-1611. Multiple certificates fees.

Any person desiring certification in two (2) or more disciplines, including air monitor, contractor/supervisor, inspector, management planner, or project designer will be assessed a one hundred fifteen dollar ($115) fee for the first certificate and a fifty-five dollar ($55.00) fee for each additional discipline within the same twelve-month period.

20 CAR § 860-1612. Replacement fee.

Any person requesting a replacement for any stolen, lost, or destroyed certification or license shall be assessed a fee of fifteen dollars ($15.00).

20 CAR § 860-1613. Expedited processing fee.

Any person desiring processing of certificates to be completed within thirty-six (36) hours of submission to the Division of Environmental Quality will be assessed an expedited processing fee of fifty dollars ($50.00).

20 CAR § 860-1614. Demolition greater than one square foot of ACM.

(a) Any NOI involving demolition of a facility as described in 20 CAR §§ 860-201 and 860-202 which contains greater than one square foot (1 ft^2)/one linear foot (1') of ACM shall be accompanied by a fee of seventy-five dollars ($75.00).

(b) There is no fee for an NOI involving demolition of a facility that contains one square foot (1 ft^2)/one linear foot (1') of ACM or less.

20 CAR § 860-1615. Demolition — 160 square/260 linear feet or more of RACM.

Any NOI involving demolition of a facility as described in 20 CAR §§ 860-201 and 860-202 which contains one hundred sixty square feet (160 ft^2)/two hundred sixty linear feet (260') or more of RACM shall be accompanied by a fee of three hundred seventy-five dollars ($375).

20 CAR § 860-1616. [Reserved].

20 CAR § 860-1617. [Reserved].

20 CAR § 860-1618. Renovation — 160 square/260 linear feet to 5,000 square/linear feet of RACM.

Any NOI involving renovation of a facility as described in 20 CAR § 860-203 which contains one hundred sixty square feet (160 ft^2)/two hundred sixty linear feet (260') to five thousand square feet (5,000 ft^2)/five thousand linear feet (5,000') of RACM shall be accompanied by a fee of two hundred twenty-five dollars ($225).

20 CAR § 860-1619. Renovation — 5,001 square/linear square feet to 10,000 square/linear feet of RACM.

Any NOI involving renovation of a facility as described in 20 CAR § 860-203 which contains five thousand one square feet (5,001 ft^2)/five thousand one linear feet (5,001') to ten thousand square feet (10,000 ft^2)/ten thousand linear feet (10,000') of RACM shall be accompanied by a fee of three hundred seventy-five dollars ($375).

20 CAR § 860-1620. Greater than 10,000 square/linear feet of RACM.

Any NOI involving renovation of a facility as described in 20 CAR § 860-203 which contains more than ten thousand square feet (10,000 ft^2)/ten thousand linear feet (10,000') of RACM shall be accompanied by a fee of seven hundred fifty dollars ($750).

20 CAR § 860-1621. Emergency renovation NOI.

Any NOI involving emergency renovation operations as described in 20 CAR § 860-205 shall be accompanied by a fee of two hundred twenty-five dollars ($225).

20 CAR § 860-1622. Annual NOI.

Any NOI for a twelve-month notice as described in 20 CAR § 860-204 shall be accompanied by a fee of one thousand one hundred twenty-five dollars ($1,125).

20 CAR § 860-1623. NOI revision.

Any revision of an original NOI as described in 20 CAR § 860-208 shall be accompanied by a submittal fee of fifty dollars ($50.00).

Subpart 17. Powers and Duties of the Director

20 CAR § 860-1701. Application requirements.

The Director of the Division of Environmental Quality, or his or her designee, shall review applications for initial asbestos abatement contractor and asbestos abatement consultant licenses and renewals thereof based upon a satisfactory submittal of the following:

(1) A completed application with submission of the annual license fee described in Subpart 16 of this part; and

(2) Proof that the asbestos abatement contractor has one (1) full-time employee in a supervisory capacity, who has been certified by the Division of Environmental Quality as a contractor/supervisor.

20 CAR § 860-1702. Application review.

The Director of the Division of Environmental Quality, or his or her designee, shall review applications for initial certificates and renewals thereof based upon Subparts 9 and 10 of this part and any other information the director, or his or her designee, deems relevant to determine whether such application shall be approved or denied.

20 CAR § 860-1703. Training provider licenses.

The Director of the Division of Environmental Quality, or his or her designee, shall review applications for the initial training provider licenses and renewals based upon Subparts 9 and 10 of this part and any other information the director, or his or her designee, deems relevant to determine whether such application shall be approved or denied.

20 CAR § 860-1704. Disapproval.

(a) The Director of the Division of Environmental Quality, or his or her designee, shall set forth to the applicant in writing the basis for a decision to disapprove an application for a license, certificate, renewal, or revocation.

(b) Any denial, disapproval, or revocation by the director, or his or her designee, may be appealed as provided in the Arkansas Pollution Control and Ecology Commission's Administrative Procedures, 8 CAR pt. 11.

20 CAR § 860-1705. Adoption by reference.

(a) To establish minimum performance standards for the abatement of ACM under the act, specific regulations promulgated by the United States Environmental Protection Agency in 40 C.F.R. pt. 61, subpt. M (National Emissions Standards for Hazardous Air Pollutants), are hereby adopted as provisions of the rule as though set forth herein line for line and word for word with the exception that:

(1) All reference therein to the Administrator shall be considered as reference to the Director of the Division of Environmental Quality; and

(2) All reference to the United States Environmental Protection Agency shall be considered a reference to the Division of Environmental Quality.

(b) Further, the effective date of provisions adopted herein by reference as provisions of this rule shall be the date such provisions are specified as being effective by the Arkansas Pollution Control and Ecology Commission in its rulemaking, and the effective date of the federal regulations adopted herein shall have no bearing on the

effective date of any provisions of this part.

(c) The following federal regulations are hereby adopted from 40 C.F.R. pt. 61, subpt. M:

(1) Section 61.140;

(2) Section 61.141;

(3) Section 61.145;

(4) Section 61.147;

(5) Section 61.148;

(6) Section 61.150;

(7) Section 61.151;

(8) Section 61.152; and

(9) Section 61.154.

(d) All are as adopted as final rules by the United States Environmental Protection Agency on or before December 14, 2000, and 40 C.F.R pt. 763, subpt. E, app. C, as adopted as interim final rule by the United States Environmental Protection Agency on or before February 3, 1994.

(e)(1) The commission, within one hundred eighty (180) days after the date of promulgation of any new or revised federal regulations pertaining to National Emissions Standards for Hazardous Air Pollutants or the Toxic Substances Control Act, Asbestos Model Accreditation Plan, shall conduct rulemaking with reference to this rule to adopt such provisions.

(2) 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 commission in formulating rulemaking proposals to this rule but shall not be construed to limit or to interfere with the adoption of provisions more stringent than federal regulations.

Subpart 18. Reciprocity

20 CAR § 860-1801. Reciprocity.

(a) Individuals applying for an initial certification under this rule who have not received training in accordance with this rule by training providers licensed by the Division of Environmental Quality must submit:

(1) An original certificate of completion of a discipline specific training certificate issued by a United States Environmental Protection Agency approved trainer; and

(2) An original certificate of completion of a two-hour Arkansas awareness class taught by an Arkansas-licensed training provider.

(b) In lieu of past certificates, an applicant may submit the most current training certificate and a copy of a certificate for a current asbestos certification by a state or territory or tribe to which the United States Environmental Protection Agency has delegated authority, similar to the delegation to Arkansas, as described in 20 CAR § 860-102(2) of this part.

Subpart 19. Review of Actions

20 CAR § 860-1901. Review of actions.

As provided in Arkansas Code § 20-27-1001 et seq., an aggrieved party to any action taken under the authority of the act orthis rule by the Director of the Division of Environmental Quality, with respect to licenses and certificates, shall have rights of redress as provided in Part 1 of the Arkansas Water and Air Pollution Control Act, as amended, including but not limited to, Arkansas Code § 8-4-218 and the Arkansas Pollution Control and Ecology Commission Administrative Procedures, 8 CAR pt. 11.

Subpart 20. Effective Date

20 CAR § 860-2001. Effective date.

This part is effective ten (10) days after filing with the:

(1) Secretary of State;

(2) Arkansas State Library; and

(3) Bureau of Legislative Research.