


Division of Air Pollution Control

**Response to Comments
Draft Rule Language Comment Period**

Rule: OAC Chapter 3745-20 - Asbestos Emission Control Rules

Agency Contact for this Package

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Ohio EPA provided a 30 day comment period which ended on November 7, 2011. This document summarizes the comments and questions received at the public hearing and/or during the associated comment period.

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health.

In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format. The name of the commenter follows the comment in parentheses.

General Concerns - Rule 3745-20-01(20), "Definitions and incorporation by reference" for the definition "Friable asbestos material"

Comments:

The proposed additional language expands the definition of friable beyond the Federal regulation. Deteriorated Category I and II are addressed already in the regulations; the asbestos inspector is to determine if the Category I or II material is friable or non-friable. I do not think size of fragments necessarily prove friability.

Classification of Category I and II materials are determined by AHERA trained inspectors. To determine friability by definition conflicts with the regulation for asbestos inspection and classification already in place. Do fragments greater than four square inches make them non-friable?

The definitions and regulations in place are not perfect but we have been working with them for awhile. I believe this change in the definition will only burden us with more interpretation and add little clarity. **(Don R. King, Project Manager/Safety Coordinator, B&B Wrecking)**

Per our conversation on Monday morning regarding Ohio's proposed asbestos regulation changes, attached is some information related to the handling of our

asbestos-containing coal tar pipe wrap. It should provide you with a good overview and photos. Columbia Gas Transmission and Columbia Gas of Ohio currently manage this as a nonfriable ACM, and the proposed change to the definition of friable asbestos could greatly impact our removal procedures, and notification, licensure, and training requirements.

Can you please provide some insight into how and why the agency came to the 4 sq. in. determination? Will this provision also apply to roofing materials? This substrate should remain intact, regardless of the size of the piece. **(Erin NJellots, Columbia Gas Transmission, Health, Safety, and Environmental Coordinator)**

Response:

The definition of “Friable asbestos material” remains the same and has not changed. The addition of **“Any category I or category II asbestos containing material that becomes damaged from either deterioration or attempts at removal or abatement resulting in small fragments the size of four square inches or less shall be considered friable or RACM”**, is for clarification purposes only and expresses what U.S. EPA has already determined in past Applicability Determinations (AD) as to how the asbestos NESHAP regulations should be enforced.

Although there may be some discussion as to when asbestos containing waste material (ACWM) becomes friable it does state in AD #A960019, Floor Tile-Extensive Breakage quantities of airborne asbestos fibers. It is only when the material is extensively damaged ... that the potential for significant fiber release is greatly increased”. It also states that “Grinding as defined in the rule means to reduce to powder *or small fragments* and includes mechanical chipping or drilling. The important factor in this definition is the extent of damage caused to the material and not how the damage was done”.

Friability is only one part of the definition for Regulated Asbestos Containing Materials (RACM). Another part is “sanding, **grinding** (reducing to small fragments) and abrading” that causes asbestos containing material (ACM) to become RACM. We do not feel that qualifying the size of ACWM as four square inches (two inches by two inches) is unreasonable in determining that to be a “small fragment” in comparison to the original size of the ACM before it became damaged. As an example, 9 inch by 9 inch floor tiles are the most common asbestos containing floor tiles. If this floor tile was damaged into small fragments the size of 2 inches by 2 inches, the ACM floor tile will only be FIVE percent of its original size. Accordingly, larger pieces of ACWM that are reduced to four square inches would cause them to become an even smaller percentage of their original size. We also believe this added language will not burden the interpretation of the

rules, but will in fact help clarify for the owner/operator and the regulator as to when the ACWM becomes RACM and thereby making the appropriate determination as to how the asbestos rules should be applied.

As for the asbestos-containing coal tar pipe wrap, U.S. EPA AD #A070004, Recycling Pipelines (8/31/06) stated that the "... asbestos-impregnated tar or asbestos paper coating used on pipelines is considered Category II asbestos-containing material". It also states that "EPA believes that when the pipes are removed during a renovation operation, there is a high probability that the asbestos-impregnated tar or asbestos paper will become friable (i.e., crumbled, pulverized, or reduced to powder)".

The Ohio Gas Association (OAG) states that even small fragments of ACWM can retain their nonfriable characteristics until such time as the piece of ACWM is reduced to powder. We disagree. An entire piece of ACWM does not have to be reduced to powder to make it friable. Any piece of ACWM, regardless of size, that if broken and exposed asbestos fibers on its edge, if hand pressure over those edges releases fibers or creates dust then that piece of ACWM is considered friable. Again, U.S. EPA allows for some breakage. It is only when the ACWM become significantly damaged and reduced to small fragments that they are considered RACM. As in all cases, the condition of the ACWM will be determined on a case by case basis by the Asbestos Hazard Evaluation Specialist and/or the regulator. In all situations as to whether or not the ACWM is a RACM is dependent upon meeting or exceeding the required threshold amounts of RACM.

The OAG expressed a concern that these proposed rule changes would have the potential to have a significant labor and cost impact on gas utility operations and does not believe that coal tar pipe wrap is RACM unless it becomes friable. As referenced above, U.S. EPA has determined that coal tar pipe wrap is a category II ACM and therefore is a RACM. The only difference is if the category II material is in a non-friable or friable condition as to how the material is to be handled. It is assumed in OAG's comments that currently any pipe wrap that is removed and determined to be non-friable is sent to landfill which is not required to have an asbestos permit, however per rule change to 3745-20-05 that will no longer be an option for category II ACWM.

The proposed rule change (for which no comments were received from anyone) is to 3745-20-05 – Standard for waste handling with the addition of -05(A)(4). This change was made to be consistent with the federal asbestos NESHAP regulations at 40 CFR Part 61.154(b), which OEPA is required to do. In general, this rule states that all ACWM shall be deposited in an approved (asbestos permitted) waste disposal site. The only exception to this rule is for category I non-friable ACM that is not RACM. The change to this rule may add to the disposal costs for all owners/operators.

The language in the proposed rules shall apply to all category I and category II asbestos containing material. The proposed rule changes are consistent with the federal asbestos NESHASP regulations and current industry standards for applying the rules and should not affect any licensure or training requirements that may currently be required by other agencies.

End of Response to Comments