

RULE SYNOPSIS

Draft rule language for Ohio Administrative Code (OAC) 3745-20

The Ohio EPA Division of Air Pollution Control (DAPC) has completed the five-year review of OAC 3745-20 for Asbestos Emission Control Rules. DAPC is required by Ohio Revised Code (ORC) Section 119.032 to review selected rules every five years and determine whether to continue them without change, amend them, or rescind them. The rules in Chapter 3745-20 in this package are being reviewed as required by ORC 119.032.

The agency has determined that these rules need to remain in force for the regulation of asbestos emission controls (those that apply to renovation and demolition operations). These rules are required to be no less stringent than 40 CFR Part 61, Subpart M of the federal asbestos NESHAP regulations.

Upon review it was determined that 3745-20-01, Definitions and incorporation by reference, and 3745-20-05, Standard for Asbestos waste handling, should be amended. The amended changes to 3745-20-01 were for clarification purposes only and the amended change to 3745-20-05 was to make the rule consistent with the federal asbestos NEHAP regulations at 40 CRR Part 61, Subpart M.

The following is a list of the rules and the proposed amendments:

Rule 3745-20-01 – Definitions and incorporation by reference

- For clarification, re-writing the definition of “Facility” by removing “... but excluding residential buildings having four or fewer dwelling units” and creating a new definition called “Residential exempt structure”, making it clearer that these structures are excluded from the rules. Also by incorporating “... or any operation involving the renovation/demolition of multiple residential structures identified by an owner or operator within a scheduled period of time; ...”, making it clearer that these type of operations are included in the definition of Facility.
- The creation of the definition “Residential exempt structure” which clarifies that this is a residential building having four or fewer dwelling units and that a single residential building is excluded from these rules unless it otherwise meets the definition of Facility.
- For clarification, the addition to “Friable asbestos material” 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 also be considered friable or RACM.”

Rule 3745-20-05 – Standard for asbestos waste handling

The following to be amended to 3745-20-05(A) as “(A)(4) The requirements of paragraph (A) of this section do not apply to Category I nonfriable ACM that is not RACM”. The amendment would now make this rule consistent with the asbestos federal NESHAP regulations at 40 CFR 61.150(b)(3), which means that all Category II

ACWM, both friable and nonfriable, can only be disposed at a landfill meeting the requirements of OAC 3745-20-06 or 40 CFR 61.154.

Rules 3745-20-07 – Standard for inactive asbestos waste disposal sites; 3745-20-08 – reporting, certification and permit application requirements; 3745-20-09 – Standard for roadways; 3745-20-12 – Air cleaning; 3745-20-13 – Standard for operations that convert asbestos-containing waste material into nonasbestos (asbestos-free) material; and 3745-20-15 – Standard for spraying

- Clarifying changes were made regarding referenced items in these rules.

DAPC also reviewed OAC rules 3745-20-02 to 3745-20-04, 3745-20-06, 3745-20-10, 3745-20-11 and 3745-20-14 and found them to be necessary, but without any needed changes.

There were two comments from the interested party review regarding the added language for clarification to 3745-20-01(20) – Friable asbestos material. No changes were determined to be necessary to the proposed rules after review of the comments.