TITLE 326 AIR POLLUTION CONTROL DIVISION

Proposed Rule
LSA Document #09-363

DIGEST

Adds 326 IAC 18-2.1, 326 IAC 18-3.1, and 326 IAC 18-4, and amends 326 IAC 14-10-1, 326 IAC 14-10-2, 326 IAC 14-10-3, 326 IAC 14-10-4, 326 IAC 14-10-5, 326 IAC 18-1-1, and 326 IAC 18-1-2 concerning asbestos management programs. Repeals 326 IAC 18-1-3, 326 IAC 18-1-4, 326 IAC 18-1-5, 326 IAC 18-1-6, 326 IAC 18-1-7, 326 IAC 18-1-8, 326 IAC 18-1-9, 326 IAC 18-1-10, 326 IAC 18-2-1, 326 IAC 18-2-2, 326 IAC 18-2-3, 326 IAC 18-2-4, 326 IAC 18-2-5, 326 IAC 18-2-6, 326 IAC 18-2-7, 326 IAC 18-2-8, 326 IAC 18-2-9, 326 IAC 18-2-10.1, 326 IAC 18-2-11, 326 IAC 18-2-12, 326 IAC 18-2-13, and 326 IAC 18-2-14. Effective 30 days after filing with the Publisher.

HISTORY

First Notice of Comment Period: June 3, 2009, Indiana Register (DIN: 20090603-IR-326090363FNA).

Continuation of First Notice of Comment Period: October 4, 2017, Indiana Register (DIN: 20171004-IR-326090363FCA).

Second Notice of Comment Period: August 22, 2018, Indiana Register (DIN: 20180822-IR-326090363SNA).

Notice of First Hearing: August 22, 2018, Indiana Register (DIN: 20180822-IR-326090363PHA).

Date of First Hearing: November 14, 2018.

PUBLIC COMMENTS UNDER IC 13-14-9-4.5

IC 13-14-9-4.5 states that a board may not adopt a rule under IC 13-14-9 that is substantively different from the draft rule published under IC 13-14-9-4, until the board has conducted a third comment period that is at least 21 days long. Because this proposed rule is not substantively different from the draft rule published on August 22, 2018, at DIN: 20180822-IR-326090363SNA, the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

IDEM requested public comment from August 22, 2018, through September 21, 2018, on IDEM's draft rule language. IDEM received comments from the following parties:

David M. Heilmann, Illinois Environmental Contractors Association (IECA)

Kristina Miczek, Occupational Training & Supply, Inc. (OTS)

Following is a summary of the comments received and IDEM's responses thereto:

Comment: The proposed amendments to 326 IAC 14-10 essentially represent a restructuring or rephrasing of existing rules and regulations for clarification, and do not constitute substantive changes in the rules and regulations. Accordingly, inasmuch as the amendments are likely to enhance regulatory compliance by the regulated community and enforcement by the department, IECA supports them on behalf of its member contractors.

A majority of the proposed amendments to 326 IAC 18 represent a restructuring or rephrasing of existing rules and regulations for clarification, and do not constitute substantive changes in the rules and regulations. IECA supports the restructured or rephrased rules, including, but not limited to relocating existing licensing and training rules and regulations into separate new rules, 326 IAC 18-2.1, 326 IAC 18-3.1, and 326 IAC 18-4.1.

In addition, IECA observes that the following substantive changes are proposed in the rules contained in 326 IAC 18:

- A person applying for an asbestos license is no longer required to submit a photograph with the application.
- A person seeking an initial asbestos license who has passed an EPA-approved training course outside of Indiana is no longer required to attend an initial Indiana training course, but still must pass the Indiana refresher course; and
- The grace period between required refresher training courses on license renewals has been increased from 18 months to 24 months.

On behalf of its member-contractors, IECA supports each of the above proposed substantive amendments to the rules and regulations contained in 326 IAC 18. It is IECA's belief that the amendments will improve the department's effectiveness and service to the regulated community, reduce the cost of compliance and reduce the licensing turnaround time.

IECA makes no suggestions with regard to specific revisions to the language to be contained in the draft amended rules. (IECA)

Response: IDEM appreciates the support for the asbestos rule revisions and agrees that the revisions will improve the efficiency of Indiana's asbestos program.

Comment: I wanted to submit comments in regards to the proposed rule changes for Asbestos, specifically for 326 IAC 18-2-5. Under the current regulation the amount of questions required for refresher courses greatly exceeds requirements of the EPA Model Accreditation Plan (MAP) and surrounding states. We are suggesting to change the amount of questions for all asbestos refresher courses to 25 questions.

It seems that the current IDEM rule has adopted the EPA MAP requirements for the initial course requirements as a blanket regulation to cover both the initial and refresher exam for Indiana. The EPA MAP does not have a requirement for a refresher exam. If this is something that can changed, it would make things much easier for not only training providers, but also people seeking licensure in Indiana.

To have a test that is streamlined and approved across multiple surrounding states makes things a lot easier for trainers and people that get licensed in multiple states. Most surrounding states have a 25 or 50 question refresher requirement and being required to implement a 100 question refresher exam for supervisors and 50 for workers just to satisfy Indiana's stringent requirement is a burden. These are annual refreshers.

We have tried to offer additional questions to people that want to seek licensure in Indiana for the worker/supervisor exam and it has not worked out well. People often do not want to complete the additional questions at the time, but then want to become licensed later and can't because they did not complete the secondary part of the exam. We have to separate certificates and be sure our post notifications reflect who is eligible based on who took and passed the additional questions for Indiana. This is all very cumbersome for reporting so it's much easier to just have everyone take the entire exam with the maximum amount of questions solely to satisfy Indiana's requirement, even though most will never become licensed there.

Again, if you have the opportunity to present this change in the regulations it would be very much appreciated again by trainers and people seeking licensure. (OTS)

Response: The U.S. EPA Asbestos Model Accreditation Plan (MAP) requirements do not distinguish between the number of test questions for an initial or refresher course for a given discipline. Indiana's asbestos examinations that contain more questions allow the student to demonstrate a larger body of knowledge about asbestos and safe handling procedures and provide a higher level of confidence that the individual will be more proficient while working in the field with a potentially harmful material. The increased opportunity to demonstrate knowledge about asbestos through additional examination questions, reduces the likelihood that a student will fail an examination from missing only a few questions.

In addition, Indiana's asbestos licensing and training program received delegation of authority from U.S. EPA based on the current program requirements. Reducing the number of questions on an examination by 50% would be a substantive change to the program and would require Indiana to seek approval from U.S. EPA.

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On November 14, 2018, the Environmental Rules Board (board) conducted the first public hearing/board meeting concerning the development of amendments to 326 IAC 14-10 and 326 IAC 18. No comments were made at the first hearing.

326 IAC 14-10-1; 326 IAC 14-10-2; 326 IAC 14-10-3; 326 IAC 14-10-4; 326 IAC 14-10-5; 326 IAC 18-1-1; 326 IAC 18-1-2; 326 IAC 18-1-3; 326 IAC 18-1-4; 326 IAC 18-1-5; 326 IAC 18-1-6; 326 IAC 18-1-7; 326 IAC 18-1-8; 326 IAC 18-1-9; 326 IAC 18-1-10; 326 IAC 18-2-1; 326 IAC 18-2-2; 326 IAC 18-2-3; 326 IAC 18-2-4; 326 IAC 18-2-5; 326 IAC 18-2-6; 326 IAC 18-2-7; 326 IAC 18-2-8; 326 IAC 18-2-9; 326 IAC 18-2-10.1; 326 IAC 18-2-11; 326 IAC 18-2-12; 326 IAC 18-2-13; 326 IAC 18-2-14; 326 IAC 18-2.1; 326 IAC 18-3.1; 326 IAC 18-4

SECTION 1. 326 IAC 14-10-1 IS AMENDED TO READ AS FOLLOWS:

Rule 10. Emission Standards for Asbestos Demolition and Renovation Operations

326 IAC 14-10-1 Applicability

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. (a) ~~To determine which requirements of this section and sections 3 through 4 of~~ This rule ~~apply~~ **applies** to the owner or operator of a demolition or renovation activity, ~~and~~ **including the removal of regulated asbestos-containing material (RACM) as follows:**

(1) Prior to the commencement of the demolition or renovation, the owner or operator shall use an Indiana-licensed ~~asbestos~~ inspector to ~~inspect~~ thoroughly **inspect** the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II nonfriable asbestos-containing material (ACM).

(2) In accordance with subsections (b) through (f), the requirements of sections 3 ~~through~~ **and** 4 of this

rule apply to each owner or operator of a demolition or renovation activity. ~~including the removal of regulated asbestos-containing material (RACM).~~

(b) In a facility being demolished, ~~all of~~ the following apply:
(1) ~~All~~ The notification requirements of section 3 of this rule apply and a notification is required even if no asbestos is present.
(2) ~~All~~ **Except as provided in subsection (c) for an ordered demolition,** the emission control requirements of section 4 of this rule ~~except as provided in subsection (b) for ordered demolition operations,~~ **apply** if the combined amount of ~~regulated asbestos-containing material~~ **RACM** is any one (1) of the following:
(A) At least three (3) linear feet on or off pipes.
(B) At least three (3) square feet on or off other facility components.
(C) A total of at least seventy-five hundredths (0.75) cubic foot on or off all facility components.

~~(b)~~ **(c)** In ~~a facility being demolished under an order of a state or local government agency, because the facility is both structurally unsound and in danger of imminent collapse, all of~~ **an ordered demolition,** the following ~~shall~~ apply:
(1) ~~Only~~ The notification requirements in section 3 of this rule and the emission control requirements in ~~section 4(4)~~ **sections 3(c)(3), 4(e)** through ~~4(8) and 4(11) through 4(12)~~ **4(h), 4(k), and 4(l)** of this rule ~~shall~~ apply.
(2) The owner or operator must assume that the debris in the wreckage is contaminated with RACM and dispose of all demolition debris as RACM unless ~~a licensed Indiana~~ **an Indiana-licensed** inspector has thoroughly inspected the affected facility and certifies that no RACM is present.
(3) All RACM and any asbestos-contaminated debris or assumed RACM ~~shall~~ **must** be properly disposed of at a waste disposal site operated in accordance with the requirements of 40 CFR 61.150* and ~~329 IAC 10-8.~~ **329 IAC 10-8.2-4.**

~~(c) In a~~ **(d) Except for an emergency renovation operation under subsection (e), for each** facility being renovated, including any individual, nonscheduled renovation operation, the following ~~shall~~ apply:
(1) ~~All~~ The notification requirements of section 3 of this rule apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed is any one (1) of the following:
(A) At least two hundred sixty (260) linear feet on or off pipes.
(B) At least one hundred sixty (160) square feet on or off other facility components.
(C) A total of at least thirty-five (35) cubic feet on or off all facility components.
(2) ~~All~~ The emission control requirements of section 4 of this rule apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed ~~is~~ **meets** any ~~one (1)~~ of the ~~following:~~
~~(A) At least three (3) linear feet on or off pipes.~~
~~(B) At least three (3) square feet on or off other facility components.~~
~~(C) A total of at least seventy-five hundredths (0.75) cubic foot on or off all facility components.~~ **limits in subsection (b)(2)(A) through (b)(2)(C).**

~~(d)~~ **(e)** For **an** emergency renovation ~~projects~~ **operation,** the following ~~shall~~ apply:
(1) The owner or operator must estimate the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed as a result of the sudden, unexpected event that necessitated the renovation. ~~All the notification requirements of section 3 of this rule apply~~
(2) If the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed ~~is any one (1) of the following:~~ **meets the limits in:**
(A) ~~At least two hundred sixty (260) linear feet on or off pipes.~~ **subsection (d)(1), the notification requirements of section 3 of this rule apply; and**
(B) ~~At least one hundred sixty (160) square feet on or off other facility components.~~ **subsection (b)(2), the emission control requirements of section 4 of this rule apply.**
~~(C) A total of at least thirty-five (35) cubic feet on or off all facility components.~~
~~(2) All the emission control requirements of section 4 of this rule apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed is any one (1) of the following:~~
~~(A) At least three (3) linear feet on or off pipes.~~
~~(B) At least three (3) square feet on or off other facility components.~~
~~(C) A total of at least seventy-five hundredths (0.75) cubic foot on or off all facility components.~~

~~(e)~~ **(f)** For ~~any~~ **a** planned renovation ~~operations~~ **operation** involving **an** individual, nonscheduled ~~operations~~ **renovation operation for which the owner or operator of the renovation submits an annual notification in accordance with section 3(c)(5) of this rule,** the following ~~shall~~ apply:

(1) The owner or operator must estimate the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed during a calendar year of January 1 through December 31.

(2) ~~All~~ The notification requirements of section 3 of this rule apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed ~~is~~ **meets** any ~~one (1)~~ of the ~~following:~~

~~(A) At least two hundred sixty (260) linear feet on or off pipes.~~

~~(B) At least one hundred sixty (160) square feet on or off other facility components.~~

~~(C) A total of at least thirty-five (35) cubic feet on or off all facility components.~~ **limits in subsection (d)(1)(A) through (d)(1)(C).**

(3) ~~For any planned renovation operations involving individual, nonscheduled operations, all~~ The emission control requirements of section 4 of this rule apply regardless of the size of the job or ~~whether or not~~ the ~~to date cumulative~~ amount of RACM. ~~has exceeded the threshold amount of any one (1) of the following:~~

~~(A) At least three (3) linear feet on or off pipes.~~

~~(B) At least three (3) square feet on or off other facility components.~~

~~(C) A total of at least seventy-five hundredths (0.75) cubic foot on or off all facility components.~~

~~(f)~~ **(g)** For ~~any operations~~ **an operation** described in subsections ~~(a)~~ **(b)** through ~~(e)~~ **(f),** if circumstances prohibit accurate measurement of RACM present prior to removal, and it becomes apparent during removal that the amount of RACM exceeds the applicable quantities, removal is to cease immediately and the following ~~shall~~ apply:

(1) ~~All~~ **The** notification requirements of section 3 of this rule apply if the **combined** amount of RACM on or off all facility components ~~is~~ **meets** any ~~one (1)~~ of the ~~following:~~

~~(A) At least thirty-five (35) cubic feet.~~

~~(B) At least two hundred sixty (260) linear feet on pipes.~~

~~(C) At least one hundred sixty (160) square feet on other facility components.~~ **limits in subsection (d)(1)(A) through (d)(1)(C).**

(2) ~~All~~ **The** emission control requirements of section 4 of this rule apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed ~~is~~ **meets** any ~~one (1)~~ of the ~~following:~~

~~(A) At least three (3) linear feet on or off pipes.~~

~~(B) At least three (3) square feet on or off other facility components.~~

~~(C) A total of at least seventy-five hundredths (0.75) cubic foot on or off all facility components.~~ **limits in subsection (b)(2)(A) through (b)(2)(C).**

~~(g) Any person holding a valid Indiana certificate of accreditation, issued under 326 IAC 18-1, on the effective date of this rule shall be considered licensed until the expiration date of their certificate of accreditation.~~

*This document is incorporated by reference. Copies may be obtained from the Government ~~Printing~~ **Publishing** Office, ~~732 North Capitol Street NW, Washington, D.C. 20401~~ **www.gpo.gov,** or are available for review ~~and copying~~ at the Indiana Department of Environmental Management, Office of ~~Air Quality,~~ **Legal Counsel,** Indiana Government Center North, ~~Tenth Floor,~~ 100 North Senate Avenue, **Thirteenth Floor,** Indianapolis, Indiana 46204.

(Air Pollution Control Division; 326 IAC 14-10-1; filed Dec 5, 1990, 3:40 p.m.: 14 IR 608; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2011; filed May 12, 1998, 9:15 a.m.: 21 IR 3739; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1571; filed Aug 26, 2004, 11:30 a.m.: 28 IR 87)

SECTION 2. 326 IAC 14-10-2 IS AMENDED TO READ AS FOLLOWS:

326 IAC 14-10-2 Definitions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-11; IC 13-15; IC 13-17

Sec. 2. ~~Terms used in this rule not defined in this section are defined as set forth~~ **In addition to the definitions** in 40 CFR 61, Subpart A* **and IC 13-11-2,** the following definitions apply throughout this rule:

(1) "Active waste disposal site" means any disposal site other than an inactive site.

(2) "Adequately wet" means to sufficiently mix or penetrate with liquid to prevent the release of particulates. If visible emissions are observed coming from RACM, then that material has not been adequately wetted. However, the absence of visible emissions is not sufficient evidence of being adequately wet.

(3) "Asbestos" means an asbestiform variety of the following:

(A) Chrysotile (serpentine).
(B) Crocidolite ~~(ribeckite).~~ **(riebeckite).**
(C) Amosite (cummingtonite-grunerite).
(D) Anthophyllite.
(E) Tremolite.
(F) Actinolite.

~~(4) "Asbestos-containing waste materials" means any waste that contains commercial asbestos and is generated by a source subject to the provisions of this article. This term includes filters from control devices, friable asbestos waste material, and bags or other similar packaging contaminated with commercial asbestos. As applied to demolition and renovation operations, this term includes RACM waste and materials contaminated with asbestos, including disposable equipment and clothing.~~

(4) "Asbestos abatement contractor" means an individual, partnership, corporation, sole proprietorship, unincorporated association, franchise, enterprise, or any other entity that enters into one (1) or more contracts providing for the individual or entity to engage in the inspection, management, or abatement of ACM for compensation.

(5) "Asbestos-containing material" or "ACM" means ~~asbestos or any~~ **the following:**

(A) A material ~~containing~~ **that contains** more than one percent (1%) asbestos ~~as determined using methods specified in 40 CFR 763, Subpart E, Appendix E, Section I, Polarized Light Microscopy*, including Category I and Category II asbestos-containing material and all friable material.~~ **by area and that:**

(i) is friable; or
(ii) has a reasonable probability of becoming friable in the course of ordinary or anticipated use of the building containing the material.

(B) The term does not include asbestos-containing resilient floor covering materials, including:

(i) sheet vinyl flooring;
(ii) resilient tile; and
(iii) associated adhesives;

unless the materials are sanded, beadblasted, or mechanically pulverized so that visible asbestos emissions are discharged.

~~(6) "Asbestos mill" means any facility engaged in converting, or in any intermediate step in converting, asbestos ore into commercial asbestos. Outside storage of asbestos material is not considered a part of the asbestos mill.~~

(6) "Asbestos-containing waste material" means any waste that contains commercial asbestos and is generated by a source subject to the provisions of this article. This term includes filters from control devices, friable asbestos waste material, and bags or other similar packaging contaminated with commercial asbestos. As applied to demolition and renovation operations, this term includes RACM waste and materials contaminated with asbestos, including disposable equipment and clothing.

(7) "Asbestos project" means an activity involving ACM, including the following:

(A) Abatement.
(B) Removal.
(C) Renovation.
(D) Enclosure.
(E) Repair.
(F) Encapsulation.

~~(7)~~ **(8)** "Asbestos removal project" means any and all activities at a facility involving the removal, encapsulation, enclosure, abatement, renovation, **repair,** storage, stripping, dislodging, cutting, or drilling that result in the disturbance ~~or repair~~ of **a combined amount of RACM of** any one (1) of the following:

(A) At least three (3) linear feet ~~of RACM~~ on or off pipes.
(B) At least three (3) square feet ~~of RACM~~ on or off other facility components.
(C) A total of at least seventy-five hundredths (0.75) cubic foot ~~of RACM~~ on or off all facility components.

These activities include ~~but are not limited to,~~ work area preparation, implementation of engineering controls and work practices, and work area decontamination activities required by section 4 of this rule or 29 CFR 1926.1101*.

~~(8) "Asbestos tailings" means any solid waste that contains asbestos and is a product of asbestos mining or milling operations.~~

~~(9) "Asbestos waste from control devices" means any waste material that contains asbestos and is collected by a pollution control device.~~

~~(10)~~ **(9)** "Category I nonfriable ~~asbestos-containing material (ACM)"~~ **ACM"** 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 40 CFR 763, Subpart E, Appendix E, Section 1, Polarized Light Microscopy*.

~~(11)~~ **(10)** "Category II nonfriable ~~asbestos-containing material (ACM)"~~ **ACM"** means any material, excluding

Category I nonfriable ACM, containing more than one percent (1%) asbestos as determined using the method specified in 40 CFR 763, Subpart E, Appendix E, Section 1, Polarized Light Microscopy* that, when dry, cannot be crumbled, pulverized, or reduced to powder by either hand pressure or mechanical forces reasonably expected to act on the material.

~~(12)~~ **(11)** "Commercial asbestos" means any material containing asbestos that is extracted from ore and has value because of its asbestos content.

~~(13)~~ **(12)** "Cutting" means to penetrate with a sharp-edged instrument and includes sawing, but does not include shearing, slicing, or punching.

~~(14)~~ **(13)** "Demolition" means the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility.

(14) "Electronic submission" means a submission of information to the department via electronic media, including:

(A) magnetic storage tape or disk;

(B) compact disc read-only memory (CD-ROM);

(C) electronic mail and attachments;

(D) file transfer protocol (FTP); and

(E) hypertext transfer protocol (HTTP).

(15) "Emergency renovation operation" means a renovation or operation that was not planned but results from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard or is necessary to protect equipment from damage. This term includes operations necessitated by nonroutine failures of equipment.

(16) "Facility" means any:

(A) school building;

(B) institutional, commercial, public, ~~or~~ industrial ~~building~~ 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);

(C) ship; and

(D) active or inactive waste disposal site.

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. Any structure, installation, or building that was previously subject to this ~~article~~ **rule** is included regardless of its current use or function.

(17) "Facility component" means any part of a facility, including equipment.

(18) "Friable asbestos material" means any material containing more than one percent (1%) asbestos as determined using the method specified in 40 CFR 763, Subpart E, Appendix E, Section 1, Polarized Light Microscopy*, that, when dry, can be crumbled, pulverized, or reduced to powder either by hand pressure or mechanical forces reasonably expected to act on the material. If the asbestos content is less than ten percent (10%), as determined by a method other than point counting by polarized light microscopy ~~(PLM)~~ verify the asbestos content by point counting using ~~PLM~~ **polarized light microscopy.**

~~(19) "Fugitive source" means any source of emissions not controlled by an air pollution control device.~~

~~(20)~~ **(19)** "Glove bag" means a sealed compartment with attached inner gloves used for the handling of ACM. Properly installed and used, glove bags provide a small work area enclosure typically used for small scale asbestos stripping operations. Information on glove bag installation, equipment and supplies, and work practices is contained in ~~the Occupational Safety and Health Administration's (OSHA) final rule on occupational exposure to asbestos~~ Appendix G to 29 CFR 1926.1101*.

~~(21)~~ **(20)** "Grinding" means to reduce to powder or small fragments and includes mechanical chipping or drilling.

~~(22)~~ **(21) "High efficiency particulate air" or** "HEPA" ~~filter"~~ means a ~~high efficiency particulate air filter~~ **filtering system** capable of trapping and retaining at least ninety-nine and ninety-seven hundredths percent (99.97%) of all monodispersed particles of three-tenths (0.3) micrometers in diameter or larger.

~~(23) "In poor condition" means the binding of the material is losing its integrity as indicated by peeling, cracking, or crumbling of the material.~~

~~(24)~~ **(22)** "Inactive waste disposal site" means any disposal site or portion of ~~it~~ **the disposal site** where additional asbestos-containing waste material has not been deposited within the previous twelve (12) months.

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

(24) "Inspector" means a person licensed under 326 IAC 18 to conduct an inspection for ACM in a facility.

(25) "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), ~~including, but not limited to, a group of residential buildings being demolished~~ **and that are**

at:

(A) a single demolition or renovation site; or

(B) multiple demolition or renovation sites as part of an urban renewal project or highway project.

(26) "Leak-tight" means that solids or liquids cannot escape or spill out. It also means dust-tight.

~~(27) "Malfunction" means any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner so that emissions of asbestos are increased. Failures of equipment shall not be considered malfunctions if they are caused in any way by poor maintenance, careless operation, or any other preventable upset conditions, equipment breakdown, or process failure.~~

~~(28)~~ **(27)** "Manufacturing" means the combining of commercial asbestos or, in the case of woven friction products, the combining of textiles containing commercial asbestos with any other materials, including commercial asbestos, and the processing of this combination into a product. Chlorine production is considered a part of manufacturing.

~~(29)~~ **(28)** "Nonfriable ~~asbestos-containing material"~~ **ACM"** means any material containing more than one percent (1%) asbestos as determined using the method specified in 40 CFR 763, Subpart E, Appendix E, Section 1, Polarized Light Microscopy*, that, when dry, cannot be crumbled, pulverized, or reduced to powder by either hand pressure or mechanical forces reasonably expected to act on the material.

~~(30)~~ **(29)** "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.

~~(31)~~ **(30)** "Ordered demolition" means demolition of a facility under an order of a state or local governmental agency, issued because the facility is both structurally unsound and in danger of imminent collapse.

~~(32)~~ **(31)** "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.

~~(33)~~ **(32)** "Owner or operator of a demolition or renovation activity" means any person who owns, leases, operates, controls, or supervises **either or both of** the **following:**

(A) A facility being demolished or renovated. ~~or any person who owns, leases, operates, controls, or supervises the~~

(B) A demolition or renovation operation. ~~or both .~~

~~(34)~~ **(33)** "Particulate asbestos material" means finely divided particles of asbestos or material containing asbestos.

~~(35)~~ **(34)** "Planned renovation ~~operations"~~ **operation"** means a renovation operation, or a number of ~~such~~ **renovation** operations, in which some RACM will be removed or stripped within a given period of time and that can be predicted. Individual, nonscheduled **renovation** operations are included if a number of ~~such operations~~ **renovations** can be predicted to occur during a given period of time based on operating experience.

(35) "Project supervisor" means a person licensed under 326 IAC 18 to supervise or perform any of the following activities with respect to RACM in a facility:

(A) An asbestos project.

(B) A maintenance activity that disturbs RACM.

(C) An asbestos project for a major fiber release episode as defined in 326 IAC 18-1-2(22).

(36) "Regulated asbestos-containing material" **or** "RACM" means the following:

(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;

(iv) abrading; or

(v) burning.

(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 article.

(E) The term does not include nonfriable asbestos-containing resilient floor covering materials, ~~unless the materials are sanded, beadblasted, or mechanically pulverized so that visible asbestos emissions are discharged or the materials are burned. Resilient floor covering materials,~~ including:

(i) sheet vinyl flooring;

(ii) resilient tile; and

(iii) associated adhesives;

unless the materials are sanded, beadblasted, or mechanically pulverized so that visible asbestos emissions are discharged or the materials are burned.

(37) "Removal or demolition contractor" means the person or company responsible for conducting renovation or demolition at a facility.

~~(37)~~ **(38)** "Remove" means to take out RACM or facility components that contain or are covered with RACM from any facility.

~~(38)~~ **(39)** "Renovation" means altering a facility or one (1) or more facility components in any way, including the stripping or removal of RACM from a facility component together with any related handling operation. Operations in which load-supporting structural members are wrecked or taken out are demolitions.

~~(39)~~ **(40)** "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 40 CFR 763, Subpart E, Appendix E, Section 1, Polarized Light Microscopy*.

~~(40) "Roadways" means surfaces on which vehicles travel. The term includes, among other surfaces, public and private highways, roads, streets, parking areas, and driveways.~~

~~(41) "Sanitary landfill" has the meaning set forth in 329 IAC 10-2-116.~~

~~(42)~~ **(41)** "School" means any ~~combination of grades kindergarten, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, or 12.~~ **elementary or secondary institutional day or residential school, including a public elementary or secondary charter school, that provides education, as determined under state law, except that the term does not include any education beyond grade 12.**

~~(43)~~ **(42)** "School building" means **any of** the following:

(A) ~~Any~~ **A** structure ~~at a school~~ suitable for use as a:

(i) classroom;

(ii) laboratory;

(iii) library;

(iv) school eating facility; or

(v) facility used for the preparation of food.

(B) ~~Any~~ **A** gymnasium or other facility ~~at a school~~ that is specifically designed for athletic or recreational activities for an academic course in physical education.

(C) Any other facility used ~~by a school~~ for the instruction or housing of students or for the administration of educational or research programs.

(D) ~~Any~~ **A** maintenance, storage, or utility facility, including any hallway, essential to the operation of any facility described in clauses (A) through (C).

(E) ~~Any~~ **A** portico or covered exterior hallway or walkway. ~~that is part of a school.~~

(F) ~~Any~~ **An** exterior portion of a mechanical system used to heat, ventilate, or air condition ~~(HVAC)~~ the interior space. ~~of a school.~~

~~(44)~~ **(43)** "Strip" means to take off RACM from any part of a facility or facility components.

~~(45)~~ **(44)** "Structural member" means any load-supporting member of a facility, such as beams and load-supporting walls, or any nonload-supporting member, such as ceilings and nonload-supporting walls.

~~(46)~~ **(45)** "Visible emissions" means any emissions, which are visually detectable without the aid of instruments, emitted from RACM or asbestos-containing waste material, or from any asbestos milling, manufacturing, or fabricating operation. This does not include condensed uncombined water vapor.

~~(47) "Waste generator" means any owner or operator of a source covered by this article whose act or process produces asbestos-containing waste material.~~

~~(48) "Waste shipment record" means the shipping document, required to be originated and signed by the waste generator, used to track and substantiate the disposition of asbestos-containing waste material.~~

~~(49)~~ **(46)** "Work area" means the facility, room, or portion of a facility or room where an asbestos removal project is about to occur, is in progress, or has been completed, extending to the point where access to the area, as indicated by ~~either the plastic or~~ poly ~~which~~ **plastic sheeting that** forms and surrounds the containment area, or demarcation by signs or barrier tape, including ~~but not limited to,~~ the glove bag operation area, is limited to those workers or **project** supervisors, or other persons authorized by the employer and required by work duties to be present in regulated areas, implementing the asbestos removal project.

(47) "Worker" means a person licensed under 326 IAC 18 to perform the following activities with respect to RACM in a facility:

(A) An asbestos project.

(B) A maintenance activity that disturbs RACM.

(C) An asbestos project for a major fiber release episode as defined in 326 IAC 18-1-2(22).

~~(50)~~ **(48)** "Working day" means Monday through Friday and includes holidays that fall on any of the days Monday through Friday.

*These documents are incorporated by reference. Copies may be obtained from the Government ~~Printing~~ **Publishing** Office, ~~732 North Capitol Street NW, Washington, D.C. 20401~~ **www.gpo.gov,** or are available for

review ~~and copying~~ at the Indiana Department of Environmental Management, Office of ~~Air Quality,~~ **Legal Counsel,** Indiana Government Center North, ~~Tenth Floor,~~ 100 North Senate Avenue, **Thirteenth Floor,** Indianapolis, Indiana 46204.

(Air Pollution Control Division; 326 IAC 14-10-2; filed Dec 5, 1990, 3:40 p.m.: 14 IR 609; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2013; filed May 12, 1998, 9:15 a.m.: 21 IR 3740; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1571; filed Aug 26, 2004, 11:30 a.m.: 28 IR 88)

SECTION 3. 326 IAC 14-10-3 IS AMENDED TO READ AS FOLLOWS:

326 IAC 14-10-3 Notification requirements

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 3. **(a)** Each owner or operator of a demolition or renovation activity to whom this section applies shall ~~do the following:~~ **provide notification to the department in accordance with this section. A notification is required even if no asbestos is present.**

~~(1)~~ **(b) The owner or operator shall** provide the department with written ~~notice~~ **notification** of the intention to demolish or renovate **a facility or facility component** on a form ~~to be~~ provided by the department and ~~update such notice~~ **submit a revised notification** as necessary, including ~~but not limited to,~~ **for** the following:

~~(A)~~ **(1)** When the amount of affected RACM increases or decreases by at least twenty percent (20%).

~~(B)~~ **(2)** If there is a change in the following:

~~(i)~~ **(A)** Asbestos removal or demolition start date.

~~(ii)~~ **(B)** Removal or demolition contractor.

~~(iii)~~ **(C)** Waste disposal site.

~~(2)~~ **(c) The owner or operator shall** postmark or deliver the ~~notice as follows:~~ **notification via the United States Postal Service, commercial delivery service, electronic submission, facsimile, or hand delivery according to the appropriate deadline as follows:**

(1) For a demolition operation described in section 1(b) of this rule, one (1) of the following:

(A) At least ten (10) working days before asbestos stripping or removal work or any other activity, such as site preparation, begins that would break up, dislodge, or similarly disturb asbestos material if the ~~operation is a demolition operation described in section 1(a) of this rule and the~~ facility contains **a combined amount of RACM on or off facility components of** at least:

(i) three (3) square feet;

(ii) three (3) linear feet; or

(iii) seventy-five hundredths (0.75) cubic foot. ~~of RACM on or off facility components.~~

(B) At least ten (10) working days before demolition begins if: ~~the operation is a demolition operation described in section 1(a) of this rule and~~

(i) the facility contains **a combined amount of RACM on or off facility components of** less than ~~three (3) square feet, three (3) linear feet, or seventy-five hundredths (0.75) cubic foot of RACM, on or off facility components,~~ **the limits listed in clause (A)(i) through (A)(iii);** or

(ii) there is no asbestos in the facility.

~~(C)~~ **(2) For an ordered demolition described in section 1(c) of this rule,** as early as possible before demolition begins. ~~if the operation is an ordered demolition operation described in section 1(b) of this rule.~~

~~(D)~~ **(3) For a renovation operation described in section 1(d) of this rule,** at least ten (10) working days before asbestos stripping or removal work or any other activity, such as site preparation, begins that would break up, dislodge, or similarly disturb asbestos material. ~~begins if the operation is a renovation operation described in section 1(c) of this rule.~~

~~(E)~~ **(4) For an emergency renovation operation described in section 1(e) of this rule,** as early as possible before asbestos stripping or removal work begins, but not later than the following working day. ~~if the operation is an emergency renovation operation described in section 1(d) of this rule.~~

~~(F)~~ **(5) For a planned renovation operation described in section 1(f) of this rule,** at least ten (10) working days before the end of the calendar year preceding the year for which ~~notice~~ **notification** is being given. ~~for planned renovation operations involving individual, nonscheduled operations described in section 1(e) of this rule.~~

~~(G) Delivery of the notice by the U.S. Postal Service, commercial delivery service, or hand delivery is acceptable. A copy of the previous notification being revised shall be attached to the new, revised~~

~~notification.~~
~~(H) In the case of a revised notice, a copy of the original notice shall be attached.~~

~~(3)~~ **(d) The owner or operator shall** include the following information in the ~~notice~~ **notification:**
~~(A)~~ **(1)** An indication of whether the ~~notice~~ **notification** is the original, a revised, or ~~cancelled~~ **canceled** copy, if applicable.
(2) For a revised notification, a copy of the original notification or the previous revised notification.
~~(B)~~ **(3) The** name, address, ~~and~~ telephone number, **and electronic mail address** of:
(A) both the facility owner and operator;
(B) the asbestos ~~removal~~ **abatement** contractor owner or operator; and
(C) the **removal or** demolition contractor owner or operator.
~~(C)~~ **(4) The** type of operation, **such as:**
~~(i)~~ **(A)** demolition;
~~(ii)~~ **(B)** demolition by intentional burning;
~~(iii)~~ **(C)** ordered demolition;
~~(iv)~~ **(D)** renovation;
~~(v)~~ **(E)** emergency renovation **operation;** or
~~(vi)~~ **(F)** planned nonscheduled renovation ~~(annual notice)~~ **operation as described in section 1(f) of this rule.**
~~(D)~~ **(5) A** description of the facility or affected part of the facility, including the:
(A) size in square feet;
(B) number of floors;
(C) age; and
(D) present and prior use of the facility.
~~(E)~~ **(6) The** procedure ~~including analytical methods,~~ employed to detect the presence and amount of RACM and Category I and Category II nonfriable ACM, **including analytical methods.**
~~(F)~~ **(7) An** estimate of:
(A) the approximate amount of RACM to be removed in the facility in terms of:
(i) linear feet ~~of pipe~~ **on or off pipes;**
(ii) square feet on **or off** other facility components;
(iii) total cubic feet on **or off** all facility components; ~~or~~ **and**
(iv) total amount on or off all facility components where the length or area could not be measured previously; ~~Also estimate~~ **and**
(B) 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.
~~(G)~~ **(8) The** location ~~and~~ **of the facility being demolished or renovated including:**
(A) street address, including building number or name and floor or room number, if appropriate;
(B) city;
(C) county; ~~and~~
(D) state; ~~of the facility being demolished or renovated.~~ **and**
(E) zip code.
~~(H)~~ **(9) The** scheduled starting and completion dates of **an** asbestos removal project, ~~as defined in section 2(7) of this rule, such as site preparation,~~ that would break up, dislodge, or similarly disturb RACM in a demolition or renovation **operation, as follows:**
(A) Planned renovation operations involving **only** individual, nonscheduled **renovation** operations ~~shall only~~ **must** include the beginning and ending dates of the report period as described in section ~~1(e)~~ **1(f)** of this rule.
~~(I)~~ **(B)** For renovation operations, scheduled starting and completion dates of the renovation ~~project.~~ **operation.**
~~(J)~~ **(C)** For demolition operations, scheduled starting and completion dates of the actual facility demolition.
~~(K)~~ **(10) A** description of **the** planned demolition or renovation work to be performed and methods to be employed, including demolition or renovation techniques to be used and a description of the affected facility components.
~~(L)~~ **(11) A** description of **the** work practices and engineering controls to be used to comply with this rule, including RACM removal and waste handling emission control procedures.
~~(M)~~ **(12) A** description of **the** procedures to be followed in the event that unexpected RACM is found or Category I or Category II nonfriable ACM becomes crumbled, pulverized, or reduced to powder.
~~(N)~~ **(13) The** name and location of the waste disposal site where the asbestos-containing waste material will be deposited.
~~(O)~~ **(14)** A signed certification from the owner or operator that:

(A) at least one (1) person trained as required by ~~40 CFR 61.145, paragraph (c)(8)*~~ **40 CFR 61.145(c)(8)*** will supervise the stripping and removal described by ~~this~~ **the** notification;

~~(P) A signed certification from the owner or operator that~~ **(B)** the information provided in ~~this~~ **the** notification is correct; and ~~that~~

(C) only Indiana-licensed workers and project supervisors will be used to implement the asbestos removal project.

~~(Q)~~ **(15)** For ~~facilities described in section 1(b) of this rule,~~ **an ordered demolition, the notification must include:**

(A) the name, title, and authority of the state or local governmental representative who has ordered the demolition;

(B) the date that the order was issued; ~~and~~

(C) the date on which the demolition was ordered to begin; **and**

(D) a copy of the order. ~~shall be attached to the notification.~~

~~(R)~~ **(16)** For demolition and renovation ~~projects described in section 1(a) through 1(e) of this rule, include~~ **operations,** the name, address, telephone number, **electronic mail address,** and **asbestos** license number issued under 326 IAC 18 of the ~~following:~~ **person who:**

~~(i) Person who~~ **(A)** inspected the facility for RACM;

~~(ii) Person who~~ **(B)** designed the asbestos removal project if RACM is present, if applicable; **and**

~~(iii) Person who~~ **(C)** will implement the asbestos removal project if RACM is present.

~~(S)~~ **(17)** For **an** emergency ~~renovations described in section 1(d) of this rule~~ **renovation operation:**

(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.

~~(T)~~ **(18) The** name, address, **electronic mail address,** and telephone number of the waste transporter.

~~(4)~~ **(e)** When the stripping or removal of RACM in demolition or renovation operations described in section ~~1(a) and 1(c)~~ **1(b) or 1(d)** of this rule will begin **on a date:**

~~(A) on a date~~ **(1)** after the date specified in the original or the most recent revised notification, **the owner or operator shall** provide written ~~notice~~ **notification** of the new stripping or removal start date to the department:

(A) postmarked at least five (5) working days; or

(B) delivered at least two (2) working days;

before the start date of asbestos stripping or removal specified in the notification that is being revised; or

~~(B) on a date~~ **(2)** earlier than the date specified in the original or the most recent revised notification, **the owner or operator shall** provide written ~~notice~~ **notification** of the new stripping or removal start date to the department postmarked or delivered at least ten (10) working days before the **new** start date of asbestos stripping or removal work begins.

~~(5)~~ **(f)** When the demolition described in section ~~1(a)~~ **1(b)** of this rule, including the demolition of facilities with no asbestos, will begin on a date: ~~later than~~

(1) after the date specified in the original or the most recent revised notification, **the owner or operator shall provide** written ~~notice~~ **notification** of the new demolition start date ~~must be provided~~ to the department:

(A) postmarked at least

~~(A)~~ five (5) working days; or

(B) delivered at least two (2) working days;

before the start date of demolition specified in the notification that is being revised; **or**

~~(6) When the demolition described in section 1(a) of this rule, including the demolition of facilities with no asbestos, will begin on a date~~

(2) earlier than the date specified in the original or the most recent revised notification, **the owner or operator shall provide** written ~~notice~~ **notification** of the new demolition start date ~~must be provided~~ to the department postmarked **or delivered** at least ten (10) working days before the **new** start date of demolition.

~~(7) In no event shall~~ **(g)** RACM removal work or any other activity, including site preparation, that would break up, dislodge, or similarly disturb asbestos material, or demolition activities **must not** begin on a date other than the date contained in the most recent written notification.

*This document is incorporated by reference. Copies may be obtained from the Government ~~Printing~~ **Publishing** Office, ~~732 North Capitol Street NW, Washington, D.C. 20401~~ **www.gpo.gov,** or are available for review ~~and copying~~ at the Indiana Department of Environmental Management, Office of ~~Air Quality,~~ **Legal Counsel,** Indiana Government Center North, ~~Tenth Floor,~~ 100 North Senate Avenue, **Thirteenth Floor,**

Indianapolis, Indiana 46204.

(Air Pollution Control Division; 326 IAC 14-10-3; filed Dec 5, 1990, 3:40 p.m.: 14 IR 610; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2016; errata filed Apr 12, 1995, 3:30 p.m.: 18 IR 2261; filed May 12, 1998, 9:15 a.m.: 21 IR 3743; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1571; filed Aug 26, 2004, 11:30 a.m.: 28 IR 91)

SECTION 4. 326 IAC 14-10-4 IS AMENDED TO READ AS FOLLOWS:

326 IAC 14-10-4 Asbestos emission control

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 4-21.5-3-7; IC 13-15; IC 13-17

Sec. 4. ~~Each~~ **(a) The** owner or operator of a demolition or renovation activity to whom this section applies ~~according to section 1 of this rule,~~ shall comply with the ~~following~~ **applicable** emission control procedures **in this section.**

~~(1)~~ **(b) The owner or operator shall** remove all RACM from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the material or preclude access to the material for subsequent removal. ~~However,~~ RACM need not be removed before demolition if the RACM meets any one (1) of the following requirements:

~~(A)~~ **(1)** It is Category I nonfriable ACM that:

~~(i)~~ **(A)** is not in poor condition;

~~(ii)~~ **(B)** is not friable; and

~~(iii)~~ **(C)** will not become friable during demolition.

~~(B)~~ **(2)** It is on a facility component that **is:**

~~(i) is~~ **(A)** encased in concrete or other similarly hard material; and

~~(ii) is~~ **(B)** adequately wet whenever exposed during demolition.

~~(C)~~ **(3)** 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. If not removed for safety reasons, the exposed RACM and any asbestos-contaminated debris must be:

(A) treated as asbestos-containing waste material; and ~~must be~~

(B) adequately wet at all times until properly disposed of at a waste disposal site operated in accordance with the requirements of 40 CFR 61.150* and ~~329 IAC 10-8.~~ **329 IAC 10-8.2-4.**

~~(D)~~ **(4)** It is Category II nonfriable ACM and the probability is low that the materials will become crumbled, pulverized, or reduced to powder during demolition.

~~(2)~~ **(c)** When a facility component that contains, is covered with, or is coated with RACM is ~~being~~ taken out of the facility as a unit or in sections, the following ~~shall occur;~~ **requirements apply:**

~~(A) Adequately wet~~ **(1)** All RACM exposed during cutting or disjoining operations **must be adequately wet.**

~~(B) Carefully lower~~ **(2)** Each unit or section **must be carefully lowered** to the floor and to ground level, not dropping, throwing, sliding, or otherwise damaging or disturbing the RACM.

(3) After a facility component has been taken out of the facility as a unit or in sections, it must be stripped or contained in leak-tight wrapping, except as described in subsection (e). If stripped, one (1) of the following must be performed:

(A) Adequately wet RACM during stripping.

(B) Use a local exhaust ventilation and collection system designed and operated to capture the particulate asbestos material produced by the stripping. The system must exhibit no visible emissions to the outside air and be designed and operated in accordance with the requirements in 40 CFR 61.152*.

~~(3)~~ **(d)** When RACM is stripped from a facility component while it remains in place in the facility, ~~adequately wet~~ the RACM **must be adequately wet** during the stripping operation. In renovation operations, wetting is not required if the following occur:

~~(A)~~ **(1)** The owner or operator has obtained prior written approval from the department based on a written application **indicating** that wetting to comply with this ~~subdivision~~ **subsection** would unavoidably damage equipment or present a safety hazard.

~~(B)~~ **(2)** The owner or operator uses one (1) or more 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. The system must exhibit no visible emissions to the outside air ~~or~~ **and** be designed and operated in accordance with the requirements in 40 CFR 61.152*.

~~(ii)~~ **(B)** A glove bag system designed and operated to contain the particulate asbestos material produced by the stripping of the asbestos materials.

~~(iii)~~ **(C)** Leak-tight wrapping to contain all RACM prior to ~~dismantlement.~~ **removal.**

~~(C)~~ **(3)** In renovation operations where wetting would result in equipment damage or a safety hazard and the methods ~~allowed~~ in ~~clause (B)~~ **subdivision (2)** cannot be used, another method may be used after obtaining written approval from the department based upon a determination that ~~it~~ **the method** is equivalent to wetting in controlling emissions or to the methods ~~allowed~~ in ~~clause (B).~~ **subdivision (2).**

~~(D)~~ **(4)** A copy of the department's written approval ~~shall~~ **must** be kept at the work site and made available for inspection.

~~(E)~~ **(5)** Denial by the department of prior written approval referenced in this ~~subdivision~~ **subsection** may be appealed under IC 4-21.5-3-7.

~~(4) After a facility component covered with, coated with, or containing RACM has been taken out of the facility as a unit or in sections under subdivision (2), it shall be stripped or contained in leak-tight wrapping, except as described in subdivision (5). If stripped, perform either of the following:~~

~~(A) Adequately wet RACM during stripping.~~

~~(B) Use a local exhaust ventilation and collection system designed and operated to capture the particulate asbestos material produced by the stripping. The system must exhibit no visible emissions to the outside air or be designed and operated in accordance with the requirements in 40 CFR 61.152*.~~

~~(5)~~ **(e)** For large facility components, such as reactor vessels, large tanks, and steam generators, but not beams, that must be handled in accordance with ~~subdivisions (2) through (4),~~ **subsections (c) and (d),** the RACM is not required to be stripped if the following requirements are met:

~~(A)~~ **(1)** The component is removed, transported, stored, disposed of, or reused without disturbing or damaging the RACM.

~~(B)~~ **(2)** The component is encased in a leak-tight wrapping.

~~(C)~~ **(3)** The leak-tight wrapping is labeled according to ~~40 CFR 61.149(d)(1)(i)*, 40 CFR 61.149(d)(1)(ii)*, and 40 CFR 61.149(d)(1)(iii)*~~ **40 CFR 61.149(d)(1)*** during all loading and unloading operations and during storage.

~~(6)~~ **(f)** For all RACM, including material that has been removed or stripped, the following requirements must be met:

~~(A) Adequately wet~~ **(1)** The material ~~and ensure that it remains~~ **must:**

(A) be adequately wet;

(B) remain wet until collected and contained or treated for disposal; ~~and is~~

(C) be disposed of in accordance with 40 CFR 61.150* and ~~329 IAC 10-8~~ ~~(RACM shall~~ **329 IAC 10-8.2-4; and**

(D) be adequately wet throughout all stages of disposal.

~~(B) Carefully lower~~ **(2)** The materials **must be carefully lowered** to the ground and floor, not dropping, throwing, sliding, or otherwise damaging or disturbing the material.

~~(C) Transport~~ **(3)** The material **must be transported** to the ground via leak-tight chutes or containers if it has been removed or stripped more than fifty (50) feet above ground level and was not removed as units or in sections.

~~(D)~~ **(4)** RACM contained in leak-tight wrapping that has been removed in accordance with ~~subdivision (3)(B)(iii), (4)~~ **subsection (c)(3), (d)(2)(C),** or ~~(7)(B)(ii)(CC) (leak-tight wrapping to contain all RACM prior to dismantlement)~~ **(g)(2)(B)(iii)** need not be wetted.

~~(7)~~ **(g)** When the temperature at the point of wetting is below zero (0) degrees Celsius (thirty-two (32) degrees Fahrenheit), the owner or operator must proceed with both of the following:

~~(A)~~ **(1)** Remove facility components containing, coated with, or covered with RACM as units or in sections to the maximum extent possible.

~~(B)~~ **(2)** During periods when wetting operations are suspended due to freezing temperatures, the following requirements must be met:

~~(i)~~ **(A)** 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 department at the demolition or renovation site and retain the temperature records for at least two (2) years.

~~(ii)~~ **(B)** Use one (1) or more of the following emission control methods:

~~(AA)~~ **(i)** 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. The system must exhibit no visible emissions to the outside air and be designed and operated in accordance with the requirements in 40 CFR 61.152*.

~~(BB)~~ **(ii)** A glove bag system designed and operated to contain the particulate asbestos material produced by the stripping of the asbestos materials.

~~(CC)~~ **(iii)** Leak-tight wrapping to contain all RACM prior to ~~dismantlement.~~ **removal.**

~~(8)~~ **(h)** For facilities described in section ~~1(b)~~ **1(c)** of this rule undergoing an ordered demolition, adequately wet the portion of the facility that contains RACM and suspect RACM during the wrecking cleanup, disposal, and related handling operations.

~~(9)~~ **(i)** Upon completion of stripping and removal operations for **a** demolition ~~projects~~ **operation** described in section ~~1(a)~~ **1(b)** of this rule and **a** renovation ~~projects~~ **operation** described in section ~~1(c)~~ **1(d)** through ~~1(f)~~ **1(g)** of this rule, collect visible contamination of asbestos by employing one (1) or both of the following cleaning procedures:

~~(A)~~ **(1)** Vacuum all surfaces in the work area using a vacuum equipped with a HEPA filter and remove all standing water.

~~(B)~~ **(2)** Wet wipe or wet mop all surfaces in the work area and remove all standing water.

~~(10)~~ **(j)** Upon completion of the cleanup requirements identified in ~~subdivision (9), an Indiana-licensed supervisor,~~ **subsection (i),** prior to the removal of the warning signs or other demarcation of the work area, **an Indiana-licensed project supervisor** shall perform a final visual inspection of the work area for visible suspect RACM debris **as follows:**

(1) If visible suspect RACM debris is discovered, then the requirements of ~~subdivision (9) shall~~ **subsection (i) must** be repeated until all visible suspect RACM debris has been removed.

(2) Upon completion of the ~~above~~ **visual inspection and requirements of subdivision (1), if applicable,** the ~~licensed~~ **project** supervisor shall certify in writing that the final visual inspection was completed and the work area is free of all visible suspect asbestos debris. ~~This~~

(3) The certification ~~shall also~~ **must:**

(A) include the date of the final visual inspection, the location of the asbestos removal project, and the licensed **project** supervisor's signature; ~~The certification shall~~

(B) be retained by the **asbestos abatement** contractor for a period of at least three (3) years from the date of the final visual inspection; ~~and must~~

(C) be made available upon request from the department; ~~A copy of the certification shall also~~ **and**

(D) be **copied and the copy** sent to the building owner.

~~(11)~~ **(k)** For any RACM or suspect RACM, the following requirements must be met:

~~(A)~~ **(1)** Any stripped, disturbed, or removed friable asbestos materials, **including material** that ~~are~~ **is** in a leak-tight wrapping and left at a facility or stored elsewhere prior to disposal must be securely stored **as follows:**

(A) The material must be stored:

(i) in a manner that restricts access by unauthorized persons to the material; ~~The material must be stored~~ **and**

(ii) in locked containers, rooms, trucks, or trailers.

(B) Asbestos warning signs or labels must be prominently displayed:

(i) on the door of the locked containers, rooms, trucks, or trailers; **and**

(ii) in all areas where asbestos is stored.

(C) If ~~such~~ secure areas are not available, other security measures must be employed, including the use of barriers, security guards, or other measures approved by the department. ~~Asbestos warning labels must be posted in all areas where asbestos is stored.~~

~~(B) When~~ **(2) If** an ongoing asbestos project is interrupted for any nonemergency situation, **the following apply:**

(A) All RACM that was disturbed, stripped, or removed must be: ~~wetted and~~

(i) adequately wet;

(ii) placed into leak-tight wrapping; and

(iii) stored in a manner consistent with ~~clause (A).~~ **subdivision (1).**

(B) If the RACM that was stripped, disturbed, or removed is not, or cannot be, collected and placed into leak-tight wrapping and stored during the abatement interruption, ~~a licensed Indiana~~ **an Indiana-licensed** worker or **project** supervisor must remain at the job site to prevent unauthorized persons from entering the

work area.
(C) Asbestos warning signs or labels must be posted on all entrances and exits to the work area.

~~(12)~~ **(l)** 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 rule before burning. ~~Asbestos-containing material~~ **ACM** may not be burned.

~~(13) No~~ **(m) An** asbestos removal project ~~shall~~ **must not** be implemented at a facility regulated by this rule unless at least one (1) Indiana-licensed ~~asbestos~~ project supervisor, trained in the provisions of this rule and 40 CFR 61, Subpart M*, and the means of complying with them, is present on-site in the work area during the asbestos removal project. ~~Every year, the~~

(n) An Indiana-licensed project supervisor shall ~~receive~~ **attend annual** refresher training from an Indiana-approved ~~asbestos~~ project supervisor course as provided for in 326 IAC 18 and 40 CFR 61, Subpart M*. The required training ~~shall~~ **must** include, as a minimum, the following:
~~(A)~~ **(1)** Applicability.
~~(B)~~ **(2)** Notifications.
~~(C)~~ **(3)** Material identification.
~~(D)~~ **(4)** Control procedures for removals, including, at least, wetting, local exhaust ventilation, negative pressure enclosures, glove bag procedures, and ~~high efficiency particulate air~~ HEPA filters.
~~(E)~~ **(5)** Waste disposal work practices.
~~(F)~~ **(6)** Reporting and record keeping.
~~(G)~~ **(7)** Asbestos hazards and worker protection.

(o) Evidence that the ~~required~~ training **required under subsection (n)** has been completed ~~shall~~ **must** be posted and made available for inspection by the department at the demolition or renovation site.

*These documents are incorporated by reference. Copies may be obtained from the Government ~~Printing~~ **Publishing** Office, ~~732 North Capitol Street NW, Washington, D.C. 20401~~ **www.gpo.gov,** or are available for review ~~and copying~~ at the Indiana Department of Environmental Management, Office of ~~Air Quality,~~ **Legal Counsel,** Indiana Government Center North, ~~Tenth Floor,~~ 100 North Senate Avenue, **Thirteenth Floor,** Indianapolis, Indiana 46204.

(Air Pollution Control Division; 326 IAC 14-10-4; filed Dec 5, 1990, 3:40 p.m.: 14 IR 611; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2018; filed May 12, 1998, 9:15 a.m.: 21 IR 3745; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1571; filed Aug 26, 2004, 11:30 a.m.: 28 IR 93)

SECTION 5. 326 IAC 14-10-5 IS AMENDED TO READ AS FOLLOWS:

326 IAC 14-10-5 Demolition and renovation fees

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-17

Sec. 5. (a) An owner or operator of a ~~facility~~ **demolition or renovation activity** subject to this rule shall pay a fee **to the department** for each **asbestos** project for which a notification is required under section 1 of this rule as follows:
(1) **One hundred fifty dollars ($150) per facility** for ~~stripping and removal operations~~ **a demolition or renovation operation** involving greater than or equal to:
(A) two thousand six hundred (2,600) linear feet of friable ~~asbestos-containing materials~~ **ACM** on **or off** pipes;
(B) one thousand six hundred (1,600) square feet of friable ~~asbestos-containing materials~~ **ACM** on **or off** other facility components; or
(C) four hundred (400) cubic feet of friable ~~asbestos-containing materials~~ **ACM** on or off all facility components. ~~the owner or operator shall pay a fee of one hundred fifty dollars ($150).~~
(2) **Fifty dollars ($50) per facility** for ~~stripping and removal operations~~ **a demolition or renovation operation** involving less than:
(A) two thousand six hundred (2,600) linear feet of friable ~~asbestos-containing materials~~ **ACM** on **or off** pipes;

(B) one thousand six hundred (1,600) square feet of friable ~~asbestos-containing materials~~ **ACM** on **or off** other facility components; or
(C) four hundred (400) cubic feet of friable ~~asbestos-containing materials~~ **ACM** on or off all facility components. ~~the owner or operator shall pay a fee of fifty dollars ($50).~~

(b) The department shall bill the owner or operator who submits notifications pursuant to section 1 of this rule on a quarterly basis as determined by the number of notifications received during the previous quarter.

(c) Fees ~~shall~~ **must** be paid:
(1) by mail or in person; ~~and shall be paid~~
(2) upon billing;
(3) by check or money order;
(4) payable to "Cashier, Indiana Department of Environmental Management"; **and**
(5) no later than thirty (30) days after receipt of billing.

(Air Pollution Control Division; 326 IAC 14-10-5; filed Nov 30, 1990, 4:20 p.m.: 14 IR 607)

SECTION 6. 326 IAC 18-1-1 IS AMENDED TO READ AS FOLLOWS:

Rule 1. Asbestos Management General Provisions

326 IAC 18-1-1 Applicability

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-17

Sec. 1. (a) This ~~rule shall apply~~ **article applies** to persons who do any of the following:
(1) **Persons involved in asbestos work including those who:**
(A) inspect for ~~asbestos-containing materials~~ **ACM** at a facility;
~~(2)~~ **(B)** develop **an** asbestos management ~~plans~~ **plan** for **a** school ~~buildings.~~ **building;**
~~(3)~~ **(C)** design **an** asbestos ~~projects for implementation~~ **project to be implemented** at a facility;
~~(4)~~ **(D)** supervise the implementation of **an** asbestos ~~projects~~ **project** at a facility;
~~(5)~~ **(E)** implement **an** asbestos ~~projects~~ **project** at a facility; **or**
(F) work on an asbestos project at a facility.
(2) Persons who provide an approved initial or refresher training course for the purpose of licensing persons under this article.

~~(b) A person may apply to the department for a license to perform activities under any of the following disciplines:~~
~~(1) Inspector.~~
~~(2) Management planner.~~
~~(3) Project designer.~~
~~(4) Asbestos project supervisor.~~
~~(5) Asbestos worker.~~
~~(6) Asbestos contractor.~~

(b) Persons described in subsection (a)(1) shall comply with 326 IAC 18-2.1.

(c) Persons described in subsection (a)(2) shall comply with 326 IAC 18-3.1 and 326 IAC 18-4.

(Air Pollution Control Division; 326 IAC 18-1-1; filed Sep 23, 1988, 1:45 a.m.: 12 IR 269; filed May 12, 1998, 9:15 a.m.: 21 IR 3747; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Feb 14, 2005, 11:15 a.m.: 28 IR 2022)

SECTION 7. 326 IAC 18-1-2 IS AMENDED TO READ AS FOLLOWS:

326 IAC 18-1-2 Definitions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-11-2; IC 13-17

Sec. 2. **In addition to the definitions in IC 13-11-2,** the following definitions apply throughout this ~~rule:~~ **article:**

(1) "Active waste disposal site" means any disposal site other than an inactive site.

~~(1)~~ **(2)** "Approved initial training course" means a course approved by the department under ~~326 IAC 18-2~~ **this article** for purposes of providing initial training to persons to become licensed.

~~(2)~~ **(3)** "Approved refresher training course" means a course approved by the department under ~~326 IAC 18-2~~ **this article** for purposes of providing refresher training to licensed persons.

~~(3)~~ **(4)** "Asbestos" means the asbestiform varieties of the following:

(A) Chrysotile (serpentine).
(B) Crocidolite (riebeckite).
(C) Amosite (cummingtonite-grunerite).
(D) Anthophyllite.
(E) Tremolite.
(F) Actinolite.

~~(4) "Asbestos-containing building material" or "ACBM" means any ACM that is in or on structural members or other parts of a school.~~

(5) "Asbestos abatement contractor" means an individual, partnership, corporation, sole proprietorship, unincorporated association, franchise, enterprise, or any other entity that enters into one (1) or more contracts providing for the individual or entity to engage in the inspection, management, or abatement of ACM for compensation.

~~(5)~~ **(6)** "Asbestos-containing material" or "ACM" means ~~asbestos or any~~ **the following:**

(A) A material ~~containing~~ **that contains** more than one percent (1%) asbestos ~~as determined by methods specified in 40 CFR 763, Appendix E, Subpart E, Section 1, Polarized Light Microscopy* including Category I and Category II asbestos-containing material and all friable material.~~ **by area and that:**

(i) is friable; or
(ii) has a reasonable probability of becoming friable in the course of ordinary or anticipated use of the building containing the material.

(B) The term does not include asbestos-containing resilient floor covering materials, including:

(i) sheet vinyl flooring;
(ii) resilient tile; and
(iii) associated adhesives;

unless the materials are sanded, beadblasted, or mechanically pulverized so that visible asbestos emissions are discharged.

~~(6) "Asbestos-Containing Materials in Schools Rule" means the Asbestos-Containing Materials in Schools Rule under 40 CFR 763, Subpart E*.~~

(7) "Asbestos license" means a document issued by the department to a person meeting the licensing requirements of ~~this rule.~~ **326 IAC 18-2.1.**

~~(8) "Asbestos Model Accreditation Plan Rule" means the Asbestos Model Accreditation Plan Rule under 40 CFR 763, Subpart E, Appendix C*.~~

~~(9) "Asbestos removal contractor" means a person who enters into one (1) or more contracts to implement an asbestos removal project at a facility.~~

~~(10)~~ **(8)** "Asbestos ~~removal~~ project" means ~~any and all activities at a facility~~ **an activity** involving **ACM, including** the ~~removal, encapsulation, enclosure,~~ **following:**

(A) Abatement. ~~renovation, repair,~~
(B) Removal. ~~storage, stripping, dislodging, cutting, or drilling that result in the disturbance or~~
(C) Renovation.
(D) Enclosure.
(E) Repair. ~~of any one (1) of the following:~~
(F) Encapsulation.

~~(A) At least three (3) linear feet of RACM on or off pipes.~~
~~(B) At least three (3) square feet of RACM on or off other facility components.~~
~~(C) A total of at least seventy-five hundredths (0.75) cubic foot of RACM on or off all facility components.~~

~~These activities include, but are not limited to, work area preparation, implementation of engineering controls and work practices, and work area decontamination activities required by 326 IAC 14-10-4 or 29 CFR 1926.1101*. (Occupational Safety and Health Administration, Occupational Exposure to Asbestos).~~

~~(11) "Certificate of accreditation" means a document issued by the department to a person who met the accreditation requirements of this rule prior to the rule being amended to change the term from accreditation to asbestos license.~~

~~(12)~~ **(9)** "Certificate of training" means a document issued by an approved ~~initial or refresher~~ training course provider to a person indicating that the person attended an approved initial or refresher training course and received a passing score on the written examination for ~~such~~ **the** course. A certificate of training issued to a person seeking licensing by the department ~~shall~~ **is** not ~~be~~ valid for purposes of this subdivision if ~~such~~ **the** certificate of training is issued by a training course provider who is ~~such~~ **the** person's partner or employer or a subsidiary entity of ~~such~~ **the** person's employer.

(10) "Day", for purposes of determining duration of approved training courses, means eight (8) hours including breaks and lunch.

(11) "Discipline" means one (1) of the following specific categories of asbestos activities identified in this article for which persons may receive training from an approved training course provider and become licensed by the department:

(A) Inspector.
(B) Management planner.
(C) Project designer.
(D) Project supervisor.
(E) Worker.
(F) Asbestos abatement contractor.

(12) "Electronic submission" means a submission of information to the department via electronic media. The media may include the following:

(A) Magnetic storage tape or disk.
(B) Compact disc read-only memory (CD-ROM).
(C) Electronic mail and attachments.
(D) File transfer protocol (FTP).
(E) Hypertext transfer protocol (HTTP).

(13) "Facility" means any:

(A) school building;
(B) institutional, commercial, public, or industrial building, 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);
(C) ship; and
(D) active or inactive waste disposal site.

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. ~~The term includes~~ Any structure, installation, or building that was previously subject to ~~326 IAC 14~~, **326 IAC 14-10 is included** regardless of its current use or function.

(14) "Facility component" means any part of a facility, including equipment.

(15) "Friable" means that the material, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure or mechanical forces reasonably expected to act on the material and includes previously nonfriable material after ~~such~~ **the** nonfriable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure or mechanical forces reasonably expected to act on the material.

(16) "Guest instructor" means an individual designated by a training course provider to assist the instructor with hands-on training or to teach one (1) or more topical areas under the general supervision of the instructor.

(17) "Hands-on training", when referring to a topic covered by a training course, means training that gives students actual experience performing tasks associated with the applicable discipline described in 326 IAC 18-4.

(18) "Inactive waste disposal site" means any disposal site or portion of the disposal site where additional asbestos-containing waste material has not been deposited within the previous twelve (12) months.

~~(16)~~ **(19)** "Inspection" means those activities undertaken to specifically determine the presence or location, or to assess the condition of, friable or nonfriable ACM, or suspected ACM, whether by visual or physical examination, or by collecting samples of ~~such~~ **the** material. In addition, the term includes all reinspections of friable and nonfriable known or assumed ACM that has been previously identified. The term excludes the activities of periodic surveillance, compliance inspections, and visual inspections as referenced in 40 CFR 763.90(i)*.

~~(17)~~ **(20)** "Inspector" means ~~any~~ **a** person ~~who conducts~~ **licensed under this article to conduct** an inspection for ACM in a facility.

~~(18) "Interim accreditation", when referring to a training course, means that the U.S. EPA has determined that the training course meets the requirements of Section 206(c)(2) of the Toxic Substances Control Act (TSCA)~~

~~Title II*.~~

~~(19)~~ **(21)** "Licensed", when referring to a person, means a person holding a current asbestos license issued by the department under this ~~rule~~ **article in the following disciplines:**

(A) Inspector.

(B) Management planner.

(C) Project designer.

(D) Project supervisor.

(E) Worker.

(F) Asbestos abatement contractor.

~~(20)~~ **(22)** "Major fiber release episode" means any disturbance of ACM, resulting in a visible emission, that involves the falling or dislodging of more than three (3) square feet, three (3) linear feet, or seventy-five hundredths (0.75) cubic foot of friable ACM.

~~(21)~~ **(23)** "Management plan" means a document prepared under ~~the Asbestos-Containing Materials in Schools Rule under~~ 40 CFR 763, Subpart E* that addresses the manner in which ACM will be handled in a school building.

~~(22)~~ **(24)** "Management planner" means ~~any~~ **a** person **licensed under this article** who prepares management plans for schools.

~~(23)~~ **(25)** "Nonfriable", when referring to material at a facility, means material that, when dry, may not be crumbled, pulverized, or reduced to powder by hand pressure or mechanical forces reasonably expected to act on the material.

~~(24)~~ **(26)** "Person" has the meaning set forth in IC 13-11-2-158(a).

~~(25) "Photographic identification card" means any of the following:~~

~~(A) A valid driver's license or identification (ID) card issued by any state that displays the individual's photograph.~~

~~(B) A valid work visa issued by the United States Department of Justice.~~

~~(C) A valid United States passport.~~

~~(26)~~ **(27)** "Project designer" means a person **licensed under this article** who designs any of the following activities with respect to RACM in a facility:

(A) An asbestos project. ~~other than a small scale short duration (SSSD) maintenance activity.~~

(B) A maintenance activity that disturbs RACM. ~~other than an SSSD maintenance activity.~~

(C) An asbestos project for a major fiber release episode.

~~(27)~~ **(28)** "Project supervisor" means a person ~~who supervises~~ **licensed under this article to supervise** or ~~performs~~ **perform** any of the following activities with respect to RACM in a facility:

(A) An asbestos project. ~~other than an SSSD activity.~~

(B) A maintenance activity that disturbs RACM. ~~other than an SSSD activity.~~

(C) An asbestos project for a major fiber release episode.

~~(28)~~ **(29)** "Regulated asbestos-containing material" or "RACM" means the following:

(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;

(iv) abrading; or

(v) burning.

(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 article.

(E) The term does not include nonfriable asbestos-containing resilient floor covering materials ~~unless the materials are sanded, beadblasted, or mechanically pulverized so that visible asbestos emissions are discharged or the materials are burned. Resilient floor covering materials include~~ **including:**

(i) sheet vinyl flooring;

(ii) resilient tile; ~~or~~ **and**

(iii) associated adhesives;

unless the materials are sanded, beadblasted, or mechanically pulverized so that visible asbestos emissions are discharged or the materials are burned.

~~(29)~~ **(30)** "Response action" means a method **that protects human health and the environment from RACM,** including:

(A) removal;

(B) encapsulation;

(C) enclosure;

(D) repair; and
(E) operation and maintenance.
~~that protects human health and the environment from RACM.~~
~~(30)~~ **(31)** "School" means any ~~combination of grades kindergarten, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, or 12.~~ **elementary or secondary institutional day or residential school, including a public elementary or secondary charter school, that provides education, as determined under state law, except that the term does not include any education beyond grade 12.**
~~(31)~~ **(32)** "School building" means **any of** the following:
(A) ~~Any~~ **A** structure ~~at a school~~ suitable for use as a:
(i) classroom;
(ii) laboratory;
(iii) library;
(iv) school eating facility; or
(v) facility used for the preparation of food.
(B) ~~Any~~ **A** gymnasium or other facility at a school that is specially designed for athletic or recreational activities for an academic course in physical education.
(C) Any other facility used by a school for the instruction or housing of students or for the administration of educational or research programs.
(D) ~~Any~~ **A** maintenance, storage, or utility facility, including any hallway, essential to the operation of any facility described in clauses (A) through (C).
(E) ~~Any~~ **A** portico or covered exterior hallway or walkway that is part of a school.
(F) ~~Any~~ **An** exterior portion of a mechanical system used to heat, ventilate, or air condition ~~(HVAC)~~ interior space of a school.
~~(32) "Small-scale, short duration" or "SSSD" means any activity in which the amount of RACM being disturbed is less than three (3) linear feet on or off pipes or three (3) square feet on or off other facility components, or a total of less than seventy-five hundredths (0.75) cubic foot on or off all facility components.~~
~~(33) "Structural member" means any load-supporting member of a facility, such as beams and load-supporting walls, or any nonload-supporting member, such as ceilings and nonload-supporting walls.~~
(33) "Training course provider" means a person who owns, provides, or offers to provide a training course for which approval is required under this article.
(34) "TSCA Title II" refers to 15 U.S.C. 2641 et seq. of the federal Toxic Substances Control Act.
~~(34)~~ **(35)** "Worker" means a person **licensed under this article** who performs any of the following activities with respect to RACM in a facility:
(A) An asbestos project. ~~other than an SSSD activity.~~
(B) A maintenance activity that disturbs RACM. ~~other than an SSSD activity.~~
(C) An asbestos project for a major fiber release episode.

*These documents are incorporated by reference. Copies may be obtained from the Government ~~Printing~~ **Publishing** Office, ~~732 North Capitol Street NW, Washington, D.C. 20401~~ **www.gpo.gov,** or are available for review ~~and copying~~ at the Indiana Department of Environmental Management, Office of ~~Air Quality,~~ **Legal Counsel,** Indiana Government Center North, ~~Tenth Floor,~~ 100 North Senate Avenue, **Thirteenth Floor,** Indianapolis, Indiana 46204.

(Air Pollution Control Division; 326 IAC 18-1-2; filed Sep 23, 1988, 1:45 p.m.: 12 IR 269; filed Jul 19, 1990, 4:50 p.m.: 13 IR 2110; filed Dec 5, 1990, 3:40 p.m.: 14 IR 612; filed Jul 5, 1995, 10:00 a.m.: 18 IR 2740; errata filed Jul 5, 1995, 10:00 a.m.: 18 IR 2795; filed May 12, 1998, 9:15 a.m.: 21 IR 3748; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1572; filed Aug 26, 2004, 11:30 a.m.: 28 IR 99; filed Feb 14, 2005, 11:15 a.m.: 28 IR 2022)

SECTION 8. 326 IAC 18-2.1 IS ADDED TO READ AS FOLLOWS:

Rule 2.1. Asbestos Licenses

326 IAC 18-2.1-1 General provisions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-17

Sec. 1. (a) A person shall not conduct the following activities without a license from the department:

(1) Inspect for ACM at a facility.
(2) Develop an asbestos management plan for a school building.
(3) Design an asbestos project to be implemented at a facility.
(4) Supervise the implementation of an asbestos project at a facility.
(5) Work on an asbestos project at a facility.
(6) Implement an asbestos project at a facility.

(b) Except under section 6(3) of this rule, at any time while performing activities specified in subsection (a), a licensed person shall carry:
(1) a photographic identification card described in subsection (d); and
(2) an asbestos license.

(c) An asbestos abatement contractor shall employ a person licensed in Indiana under at least one (1) of the following disciplines to implement an asbestos project:
(1) Inspector.
(2) Management planner.
(3) Project designer.
(4) Project supervisor.
(5) Worker.
(6) Asbestos abatement contractor.

(d) For purposes of this rule, a photographic identification card includes the following:
(1) A valid driver's license or identification card that displays the individual's photograph issued by any state.
(2) A valid work visa issued by the United States Department of Justice.
(3) A valid United States passport.
(4) A valid U.S. Citizenship and Immigration Services identification.

(Air Pollution Control Division; 326 IAC 18-2.1-1)

326 IAC 18-2.1-2 Asbestos license qualifications

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-17

Sec. 2. (a) A person applying for an asbestos license must:
(1) meet the qualifications in this section applicable to the discipline for which the person is applying; or
(2) if a person seeking an initial asbestos license has attended and passed an examination at a U.S. EPA-approved training course outside of Indiana, attend and pass the examination for an Indiana-approved refresher course in the discipline for which the person is applying.

(b) To qualify for an initial Indiana inspector license, a person shall meet the following requirements:
(1) Possess a high school degree, high school equivalency diploma, or two (2) years of experience in one (1) or a combination of the following fields:
(A) Asbestos inspection.
(B) Building construction.
(C) Building maintenance.
(D) General building inspection.
(2) Have attended an approved initial inspector training course and received a passing score on the written examination for the course.

(c) To qualify for an initial Indiana management planner license, a person shall meet the following requirements:
(1) Possess at least one (1) of the following:
(A) An associate, bachelor's, or graduate degree in:
(i) architecture;
(ii) industrial hygiene;
(iii) engineering;

(iv) building system design; or
(v) a related field of study.
(B) A high school degree or equivalent as described in subsection (b)(1), and one (1) year of experience in one (1) or more of the following fields:
(i) Planning, supervision, or cost estimation of building construction.
(ii) Planning, supervision, or cost estimation of asbestos projects.
(iii) Asbestos inspection.
(iv) General building inspection.
(2) Have attended an approved initial inspector training course and an approved management planner training course and received passing scores on the written examinations for the courses.

(d) To qualify for an initial Indiana project designer license, a person shall meet the following requirements:
(1) Possess at least one (1) of the following:
(A) An associate, bachelor's, or graduate degree in:
(i) architecture;
(ii) industrial hygiene;
(iii) engineering;
(iv) building system design; or
(v) a related field of study.
(B) A high school degree or equivalent as described in subsection (b)(1), and one (1) year of experience in one (1) or more of the following fields:
(i) Planning, supervision, or cost estimation of building construction.
(ii) Planning, supervision, or cost estimation of asbestos projects.
(iii) Asbestos inspection.
(iv) General building inspection.
(2) Have attended an approved initial project designer training course and received a passing score on the written examination for the course.

(e) To qualify for an initial Indiana project supervisor license, a person shall meet the following requirements:
(1) Possess a minimum of six (6) months of experience as a project supervisor or as a worker.
(2) Have attended an approved initial project supervisor training course and received a passing score on the written examination for the course.

(f) To qualify for an initial Indiana worker license, a person shall meet the following requirements:
(1) Have attended an approved initial worker or project supervisor training course.
(2) Have received a passing score on the written examination for the course.

(g) To qualify for an initial asbestos abatement contractor license, a person shall meet the following requirements:
(1) Meet the following financial responsibility requirements:
(A) The asbestos abatement contractor shall possess proof of financial responsibility with a current certificate of insurance documenting that the asbestos abatement contractor carries asbestos liability insurance in the amount of at least five hundred thousand dollars ($500,000) for the implementation of asbestos projects.
(B) The company offering insurance coverage must be recognized or licensed by the Indiana department of insurance to provide asbestos coverage.
(C) The department must be listed as a certificate holder on the insurance certificate.
(D) The asbestos abatement contractor shall notify the department in writing within five (5) working days of any change in the status of the asbestos abatement contractor's financial responsibility.
(2) Meet the following training requirements:
(A) The asbestos abatement contractor shall:
(i) have attended an approved initial training course for project supervisor or asbestos abatement contractor and received a passing score on the written examination for the course; or
(ii) designate an employee to fulfill the training requirements in this subdivision and in section 4(a)(2) of this rule and notify the department of the name of the designated employee.
(B) The asbestos abatement contractor shall notify the department in writing if the asbestos abatement contractor transfers the designated status to another employee within five (5) working

days of the transfer.
(C) The written notification must include the name of the newly designated employee and evidence that the person successfully completed the training requirements in this subdivision and in section 4(a)(2) of this rule.
(3) Demonstrate that the asbestos abatement contractor is competent in the field of asbestos project implementation as provided in section 3(b)(5) of this rule.

(Air Pollution Control Division; 326 IAC 18-2.1-2)

326 IAC 18-2.1-3 Asbestos license application

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-17

Sec. 3. (a) A person seeking an initial asbestos license from the department as an inspector, management planner, project designer, project supervisor, or worker shall complete the following:
(1) Submit a completed application:
(A) in writing on forms provided by the department; or
(B) through the asbestos online licensing program.
(2) Provide a copy of all certificates of training for approved initial and, if applicable, refresher training courses indicating:
(A) the courses were successfully completed; and
(B) passing scores were obtained on all written examinations.
(3) Pay the license application fee specified in section 7 of this rule.

(b) A person seeking an initial asbestos license from the department as an asbestos abatement contractor shall complete the following:
(1) Submit a completed application in writing on forms provided by the department.
(2) Provide a statement that the person has read and understands this rule, 40 CFR 763, Subpart E*, and 326 IAC 14-10.
(3) Provide a copy of all required certificates of training indicating the person, or the asbestos abatement contractor's designated employee:
(A) successfully completed the approved initial and any requisite refresher training courses for project supervisor or asbestos abatement contractor; and
(B) received passing scores on all written examinations for the courses.
(4) Provide a complete list of prior contracts for the previous twelve (12) months for asbestos projects, including names, addresses, electronic mail addresses, and telephone numbers of persons for whom projects were performed.
(5) Provide an up-to-date copy of the asbestos abatement contractor's written standard operating procedures, which include current compliance procedures, for the following regulatory programs:
(A) 326 IAC 14-2.
(B) 326 IAC 14-10.
(C) This rule.
(D) 329 IAC 10-8.2-4.
(E) 29 CFR 1926.1101*.
(F) 29 CFR 1910.134*.
(6) Provide a description of any asbestos projects that the asbestos abatement contractor conducted that were prematurely terminated or not completed, including the circumstances surrounding the termination.
(7) Provide a list of any contractual penalties that the asbestos abatement contractor has paid for noncompliance with contract specifications.
(8) Provide copies of all warning letters, notices, and orders issued by the commissioner, agreed orders, citations, notices of violation, or findings of violation, levied against the asbestos abatement contractor by any federal, state, or local governmental agency for violations of regulations or other laws pertaining to asbestos activities, including:
(A) the names and locations of the projects;
(B) the dates of the projects; and
(C) a description of how the allegations were resolved.
(9) Provide a description detailing all:
(A) legal proceedings;

(B) lawsuits;
(C) warning letters from the commissioner; or
(D) claims;
that have been filed or levied against the asbestos abatement contractor or any past or present employees while employed by the asbestos abatement contractor, for asbestos-related activities.
(10) Provide documentation of the asbestos abatement contractor's financial responsibility with a current certificate of insurance documenting that the asbestos abatement contractor carries asbestos liability insurance in the amount of at least five hundred thousand dollars ($500,000) for the implementation of asbestos projects from a company recognized or licensed by the Indiana department of insurance to provide asbestos coverage.
(11) Pay the license application fee as specified in section 7 of this rule.

(c) The department shall review and process an application for an asbestos license as follows:
(1) The department shall not process applications on a walk-in basis or process applications over the telephone.
(2) The department shall determine if the information on the application is complete and, if not, the applicant must submit the missing information requested by the department within one (1) year of the department's receipt of the application or the application expires and the fee is not transferable or refundable.
(3) The department shall make a determination on the eligibility of the applicant.
(4) In addition to the requirements of subsections (a)(2) and (b)(3), the department may require an applicant or a designated employee of an asbestos abatement contractor, in the case of subsection (b)(3), to take an examination administered by the department as follows:
(A) The examination must cover only the discipline for which the applicant is seeking a license.
(B) The department shall deny the application if the applicant does not receive a passing score of at least seventy percent (70%) correct answers.
(C) If the department denies the application, the certificate of training is invalid, and the applicant must retake and pass the initial training course for the discipline for which the applicant is seeking a license.
(5) The department may deny an application for an asbestos license based on:
(A) the criteria listed in section 5 of this rule, as applicable; or
(B) failure to comply with any other provision of this rule.
(6) The department shall issue an asbestos license to a person who fulfills the requirements established by this rule via the United States Postal Service to the address listed on the application.

(d) An asbestos license is valid for one (1) year from the date of issuance.

(e) A person holding an asbestos license shall notify the department within thirty (30) working days of any change in contact information on the application via:
(1) United States Postal Service;
(2) commercial delivery service;
(3) electronic submission;
(4) facsimile; or
(5) hand delivery.

***These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.**

(Air Pollution Control Division; 326 IAC 18-2.1-3)

326 IAC 18-2.1-4 Asbestos license renewal

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-17

Sec. 4. (a) A person seeking to renew an asbestos license as an inspector, management planner, project designer, project supervisor, worker, or asbestos abatement contractor shall meet the following

requirements:

(1) Have possessed a valid asbestos license within the previous twelve (12) months in the discipline for which the applicant is seeking a renewal asbestos license.

(2) Have attended, within the previous twelve (12) months, an approved refresher training course for disciplines under which the person was previously licensed. In the case of a person seeking to renew an asbestos license as a management planner, the person will be required to have attended both the inspector refresher and the management planner refresher training courses.

(3) Submit a completed application on forms provided by the department and include a copy of the certificates of training indicating that the person successfully completed the refresher training course and written examination.

(4) Pay the license application fee as specified in section 7 of this rule.

(b) A person seeking to renew an asbestos license as an asbestos abatement contractor shall include in the application updated information as required in section 3(b)(5) through 3(b)(10) of this rule if any information has changed during the previous twelve (12) months. The asbestos abatement contractor shall routinely examine and update the standard operating procedures manual to reflect the compliance assurance methodologies that meet current federal, state, and local regulations or other laws pertaining to asbestos.

(c) The department shall review and process an application for an asbestos license renewal in accordance with section 3(c) of this rule.

(d) An asbestos license renewal is valid for one (1) year from the date of issuance.

(e) A person who seeks to renew a license for which a twenty-four (24) month time lapse has occurred between training courses is required to repeat the initial training course for the discipline in which the time lapse occurred.

(Air Pollution Control Division; 326 IAC 18-2.1-4)

326 IAC 18-2.1-5 Asbestos license revocation and denial

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-17

Sec. 5. The department may suspend or revoke an asbestos license or deny an application for an asbestos license or license renewal if the person or applicant does any of the following:

(1) Violates a requirement of this rule or a requirement of:

(A) 40 CFR 763, Subpart E*;

(B) 40 CFR 763, Subpart E, Appendix C*;

(C) 326 IAC 14-2;

(D) 326 IAC 14-10; or

(E) any other federal, state, or local regulation or other laws pertaining to asbestos in buildings or to asbestos projects.

(2) Falsifies information on an application for an asbestos license.

(3) Fails to meet any requirement specified in section 2 of this rule.

(4) Conducts an asbestos project, or related asbestos handling activity, in a manner that is hazardous to the public health.

(5) Performs work requiring an asbestos license without the certificate of training or asbestos license and photographic identification available at a job site.

(6) Permits the duplication or use of one's own asbestos license by another.

(7) Performs work for which an asbestos license has not been received.

(8) Has obtained training from a training course provider that does not have approval to offer training for the particular discipline for which the license was received.

***These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue,**

Thirteenth Floor, Indianapolis, Indiana 46204.

(Air Pollution Control Division; 326 IAC 18-2.1-5)

326 IAC 18-2.1-6 Asbestos abatement contractor license requirements

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-17

Sec. 6. The following requirements apply to the implementation of an asbestos project at a facility:
(1) Each asbestos abatement contractor is required to have at least one (1) licensed project supervisor, responsible for direct supervision of workers, in the work area of the asbestos project during removal, encapsulation, enclosure, stripping, repair, and work area decontamination activities.
(2) Workers must have access to a project supervisor throughout the duration of the asbestos project.
(3) Each asbestos abatement contractor shall ensure that the current certificate of training or asbestos license, and a photographic identification card, for each project supervisor and worker is kept:
(A) on the job site during an asbestos project; and
(B) outside the work area and available for inspection by the department.
(4) A person employed by the asbestos abatement contractor, or a partner or subsidiary entity thereof, implementing an asbestos project shall not, for the purposes of fulfilling the requirements of 40 CFR 763.90* collect or analyze air samples for determining the completion of that asbestos project.

***This document is incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.**

(Air Pollution Control Division; 326 IAC 18-2.1-6)

326 IAC 18-2.1-7 Fees

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-17

Sec. 7. (a) Upon application for an asbestos license, a person shall pay a fee as follows:
(1) Inspector: one hundred dollars ($100).
(2) Management planner: one hundred dollars ($100).
(3) Project designer: one hundred dollars ($100).
(4) Project supervisor: one hundred dollars ($100).
(5) Worker: fifty dollars ($50).
(6) Asbestos abatement contractor: one hundred fifty dollars ($150).

(b) Fees paid by mail must be paid by check, money order, or credit card and be made payable to the Asbestos Trust Fund.

(c) The nonrefundable application fee is not transferable:
(1) from one (1) type of asbestos license to another;
(2) from one (1) person to another; or
(3) to any other type of license issued by the department;
unless requested by the applicant and approved by the department within three (3) days of submittal to the department or prior to processing by the department, whichever is earlier.

(d) If the department determines the information on the application to be incomplete, the applicant must submit the missing information requested by the department within one (1) year of the department's receipt of the application, or the application expires and the fee is not transferable or refundable.

(Air Pollution Control Division; 326 IAC 18-2.1-7)

326 IAC 18-2.1-8 Duplicate asbestos license

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-17

Sec. 8. (a) To replace an asbestos license that has been lost or stolen, a person shall submit:
(1) a completed application for a duplicate license on a form provided by the department; and
(2) photographic identification as described in subsection (d).

(b) The form must include a statement indicating that the original asbestos license was lost or stolen.

(c) The department shall issue no more than two (2) duplicate asbestos licenses to any person in any calendar year.

(d) A request for a duplicate asbestos license must be submitted in person or in writing to the department by the licensee. When applying in person, one (1) piece of the following acceptable types of valid identification, containing a photograph of the licensee, must be shown at the time of the request:
(1) State-issued driver's license.
(2) State-issued identification card.
(3) United States passport.
(4) U.S. Citizenship and Immigration Services identification.

(Air Pollution Control Division; 326 IAC 18-2.1-8)

SECTION 9. 326 IAC 18-3.1 IS ADDED TO READ AS FOLLOWS:

Rule 3.1. Asbestos Training Course Approval

326 IAC 18-3.1-1 Applicability

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-17

Sec. 1. This rule applies to persons who provide an approved initial or refresher training course for the purpose of licensing persons under this article. Those training course providers currently holding a valid Indiana letter of approval, per discipline, are considered approved per discipline under this rule until the expiration date as stated on each letter of approval.

(Air Pollution Control Division; 326 IAC 18-3.1-1)

326 IAC 18-3.1-2 Initial training course requirements

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-17

Sec. 2. (a) Each initial asbestos training course must meet the requirements in this rule specific to the appropriate discipline to be approved by the department.

(b) Each initial asbestos training course must include the following:
(1) A written examination as outlined in section 4 of this rule.
(2) Lectures.
(3) Audiovisual materials to complement lectures where appropriate.
(4) Demonstrations.
(5) The specific requirements for the applicable discipline identified in 326 IAC 18-4.

(Air Pollution Control Division; 326 IAC 18-3.1-2)

326 IAC 18-3.1-3 Refresher training course requirements

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-17

Sec. 3. (a) A refresher training course must meet the requirements of this section to obtain approval from the department.

(b) Each refresher training course must meet the following requirements:
(1) Be specific to each discipline.
(2) Review and discuss changes in federal and state regulations and other laws pertaining to the following:
(A) Asbestos.
(B) Developments in state-of-the-art procedures.
(C) A review of key aspects of the initial training course.
(3) Include a written examination as described in section 4 of this rule.

(c) In addition to subsection (b), a refresher training course must meet the specific requirements for each appropriate discipline as follows:
(1) An inspector refresher training course must be at least one-half (1/2) day in duration.
(2) A management planner refresher training course must include one-half (1/2) day of management planner refresher training and one-half (1/2) day of inspector refresher training.
(3) The following refresher training courses must be at least one (1) day in duration:
(A) Project designer.
(B) Project supervisor.
(C) Asbestos abatement contractor.
(D) Worker.

(Air Pollution Control Division; 326 IAC 18-3.1-3)

326 IAC 18-3.1-4 Examination requirements

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-17

Sec. 4. (a) Each initial and refresher training course must include a closed-book examination at the conclusion of each course. Demonstration testing may also be included as part of the examination.

(b) Each examination must adequately cover the topics included in the training course for that discipline.

(c) Examinations must have a passing score of at least seventy percent (70%) and consist of at least the following number of multiple choice questions for each respective discipline:
(1) Inspectors: fifty (50) questions.
(2) Management planners: fifty (50) questions.
(3) Project designers: one hundred (100) questions.
(4) Project supervisors: one hundred (100) questions.
(5) Workers: fifty (50) questions.
(6) Asbestos abatement contractors: one hundred (100) questions.

(d) Training course providers may allow a trainee to retake the final written examination after having failed to achieve a passing score of seventy percent (70%). The reexamination may be taken two (2) times, allowing a trainee a total of three (3) opportunities to pass the required examination. A trainee shall retake an asbestos training course examination within a two (2) week period following the completion of the initial or refresher asbestos training course. Failure of the trainee to pass the third attempt requires the trainee to retake the entire appropriate asbestos training course.

(e) Training course providers may allow administration of an oral examination for the worker initial and worker refresher courses in those cases where an individual attending or completing a course or courses is unable to take or complete a written examination.

(f) Only training course providers or a designated employee of a training course provider who meets the requirements of section 9 of this rule may administer and proctor an examination. A proctor must be present during the entire duration of the examination.

(Air Pollution Control Division; 326 IAC 18-3.1-4)

326 IAC 18-3.1-5 Training course provider qualifications for approval

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-17

Sec. 5. Persons wishing to obtain approval of a training course shall do the following:
(1) Ensure that the training course meets or exceeds the applicable requirements of:
(A) sections 2 through 4 of this rule; and
(B) 326 IAC 18-4.
(2) Issue numbered certificates of training to students who attend the training course and successfully pass the examination. The certificate of training must indicate the following:
(A) Name of the person who attended the training course.
(B) Discipline of the training course completed.
(C) Dates of the training course.
(D) Date of the examination.
(E) An expiration date not to exceed one (1) year after the date upon which the person successfully completed the course and passed the examination.
(F) The name, address, electronic mail address, and telephone number of the training course provider who issued the certificate of training.
(G) A statement that the person receiving the certificate of training has completed the requisite training for asbestos license under TSCA Title II.
(H) A statement that the training course meets requirements as outlined by the state of Indiana under this rule.
(3) Ensure that only instructors who meet the requirements under section 9 of this rule are used to teach the training course.
(4) Allow the department to attend, evaluate, and monitor any training course without charge to the department. The department is not required to give advanced notice of an inspection.
(5) Ensure that each initial and refresher training course offered be specific to a single discipline and not combined with training for any other discipline.
(6) The providers of refresher training courses shall verify that students possess valid initial and, as necessary, refresher training before granting course admission. Those providers offering the initial management planner training course shall verify that students have met the prerequisite of possessing the appropriate initial inspector course at the time of course admission.
(7) Ensure that all requirements for training students will be met in the event that the:
(A) instructor does not speak a language understood by all students; or
(B) course materials are not in a language understood by all students.

(Air Pollution Control Division; 326 IAC 18-3.1-5)

326 IAC 18-3.1-6 Application for approval

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-17

Sec. 6. (a) A training course provider seeking approval of an initial or refresher training course by the department shall complete the following:
(1) Submit a completed application on forms provided by the department.
(2) Submit evidence of either the full or contingent course approval, as described in subdivision (3)(I), by:
(A) U.S. EPA; or
(B) a state under an accreditation program approved by U.S. EPA.
(3) Provide the following information:
(A) The training course provider's name, address, telephone number, electronic mail address, and

primary contact person.
(B) The name of the training course.
(C) The course curriculum.
(D) A letter from the training course provider that clearly indicates how the course meets the applicable requirements of sections 2 through 4 of this rule and 326 IAC 18-4, including the following information:
(i) Length of training in days.
(ii) Amount and type of hands-on training.
(iii) Examination length, format, and passing score.
(iv) Topics covered in the course.
(E) A copy of all course materials, including:
(i) student manuals;
(ii) instructor notebooks;
(iii) handouts; and
(iv) any other applicable course materials.
(F) A detailed statement about the development of the examinations and a copy of the examinations used in the course.
(G) The names and qualifications of course instructors, including academic credentials and field experience in asbestos abatement.
(H) A description and an example of numbered certificates of training issued to students who complete the course and pass the examination with the following:
(i) Name of the person who attended the training course.
(ii) Discipline of the training course completed.
(iii) Dates of the training course.
(iv) Date of the examination.
(v) An expiration date not to exceed one (1) year after the date upon which the person successfully completed the course and passed the examination.
(vi) The name, address, electronic mail address, and telephone number of the training course provider who issued the certificate of training.
(vii) A statement that the person receiving the certificate of training has completed the requisite training for asbestos license under TSCA Title II.
(viii) A statement that the training course meets requirements as outlined by the state of Indiana under this rule.
(I) A list of all states, both U.S. EPA approved and nonapproved states, in which the course has received approval including for the following:
(i) A fully approved course that received final approval status from the state after an onsite audit of the training course that determined the course is in full compliance with applicable state and federal requirements.
(ii) A course that received contingent approval based on a review of written training course curriculum and other information and materials that describe the training course.
(J) A detailed statement of how the training course provider ensures that all requirements for training students be met in the event that the:
(i) instructor does not speak a language understood by all students; or
(ii) course materials are not in a language understood by all students.
(4) Pay the asbestos training course provider application fees as specified in section 11 of this rule.

(b) A training course provider shall notify the department in writing within thirty (30) days whenever there is a significant change in the course curriculum, instructional staff, or primary contact person.

(c) The department shall review the application and make a determination as to the eligibility of the training course. The department shall issue a letter of approval to any training course provider, providing an approved initial training course or an approved refresher training course, who fulfills the requirements of this rule. The department may disapprove any training course that fails to meet the requirements of this rule.

(d) A letter of approval is valid for one (1) year from the date of issuance.

(Air Pollution Control Division; 326 IAC 18-3.1-6)

326 IAC 18-3.1-7 Application requirements for reapproval

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-17

Sec. 7. (a) A training course provider seeking reapproval of an approved initial training course or an approved refresher training course by the department shall meet the following requirements:
(1) Have possessed a valid letter of approval from the department within the previous six (6) months.
(2) Submit a completed application on forms provided by the department and include updated information as required in section 6(a)(2) and 6(a)(3) of this rule.
(3) Pay the annual application fees as specified in section 11(b) of this rule.

(b) The department shall review the application and make a determination as to the eligibility of the training course provider. The department shall issue a letter of approval to a training course provider who fulfills the requirements established by this rule.

(c) A letter of approval is valid for one (1) year from the date of issuance.

(Air Pollution Control Division; 326 IAC 18-3.1-7)

326 IAC 18-3.1-8 Representation of training course approval

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-17

Sec. 8. (a) A person shall not make representation as conducting an approved initial training course or approved refresher training course for the purpose of licensing persons under this article without prior written approval from the department.

(b) In any oral or written statement that indicates Indiana's approval of a training course, course providers must clearly indicate that the course is only approved for purposes of licensing under this article.

(Air Pollution Control Division; 326 IAC 18-3.1-8)

326 IAC 18-3.1-9 Asbestos training course provider instructor qualifications

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-17

Sec. 9. (a) A training course provider shall submit resumes and qualifications for a potential instructor, including a guest instructor, for approval by the department prior to their use as instructors for any course.

(b) A person to be approved as an instructor for an asbestos training course must meet the following minimum education and training qualifications:
(1) Possess a high school degree or equivalent as described in 326 IAC 18-2.1-2(b)(1) and either of the following:
(A) A bachelor's or graduate degree in architecture, industrial hygiene, engineering, building system design, science, or a related field.
(B) A combination of four (4) years of experience in asbestos inspection, planning, supervision, or cost estimation.
(2) Have completed the training course and successfully passed the examination in the discipline that the person wishes to instruct. The training course must be taken from a training course provider other than the provider for whom the instructor will be working.
(3) Provide copies of academic credentials and proof of field experience.

(c) The department shall notify the training course provider within eight (8) weeks of the receipt of the application if a potential instructor is not approved.

(Air Pollution Control Division; 326 IAC 18-3.1-9)

326 IAC 18-3.1-10 Approval revocation

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-17

Sec. 10. (a) The department may revoke the approval of a training course if the training course provider does any of the following:
(1) Violates any of the following:
(A) A requirement of this rule.
(B) 40 CFR 763, Subpart E*.
(C) 40 CFR 763, Subpart E, Appendix C*.
(D) Any other federal, state, or local regulation.
(E) Any other laws pertaining to asbestos.
(2) Falsifies information on an application for approval.
(3) Fails to meet any qualifications specified in:
(A) this rule; or
(B) 326 IAC 18-4.
(4) Misrepresents the extent of a training course's approval.
(5) Fails to submit required information or notifications in a timely manner.
(6) Fails to maintain requisite records.
(7) Falsifies training records, instructor qualifications, or other training or licensing information.

(b) The department may revoke the approval of a training course if an approved training course instructor or other person with supervisory authority over the delivery of training has been found in violation of other asbestos regulations and other laws administered by U.S. EPA, the department, or from a state that has an accreditation plan approved by U.S. EPA.

***These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.**

(Air Pollution Control Division; 326 IAC 18-3.1-10)

326 IAC 18-3.1-11 Application fees

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-17

Sec. 11. (a) Upon application for initial or refresher asbestos training course approval, a training course provider shall pay a one (1) time application fee of one thousand dollars ($1,000) for each of the following disciplines:
(1) Inspectors.
(2) Management planners.
(3) Project designers.
(4) Project supervisors.
(5) Workers.
(6) Asbestos abatement contractors.

(b) Upon application for initial or refresher asbestos training course reapproval, a training course provider shall pay an annual application fee of five hundred dollars ($500) for each of the following disciplines:
(1) Inspectors.
(2) Management planners.
(3) Project designers.
(4) Project supervisors.

(5) Workers.
(6) Asbestos abatement contractors.

(c) Fees paid by mail must be paid by check or money order and be made payable to the Asbestos Trust Fund.

(d) The nonrefundable application fee is not transferable:
(1) from one (1) application to another;
(2) from one (1) training course provider to another; or
(3) to any other type of licensing or approval issued by the department;
unless requested by the applicant and approved by the department within three (3) days of submittal to the department or prior to processing of the application by the department, whichever is earlier.

(e) If the department determines the information on the application to be incomplete, the applicant must submit the missing information requested by the department within one (1) year of the department's receipt of the application, or the application expires and the fee is not transferable or refundable.

(Air Pollution Control Division; 326 IAC 18-3.1-11)

326 IAC 18-3.1-12 Record keeping requirements for training course providers

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-17

Sec. 12. (a) An approved provider of an initial training or refresher training course must comply with the following minimum record keeping requirements:
(1) Maintain copies of all training course materials used, including the following:
(A) Student manuals.
(B) Instructor notebooks.
(C) Handouts.
(2) Maintain verification of instructor qualifications, including the following:
(A) Copies of all instructors' resumes and qualifications.
(B) Copies of documents indicating approval by the department for each instructor before the instructor teaches an accreditation course under section 6 of this rule.
(C) Notice to the department in advance whenever it changes course instructors and the name of the new instructor.
(D) Records must accurately identify the instructors who taught each particular course for each date that a course is offered.
(3) Maintain the following examination records:
(A) A copy of the examination.
(B) The name and test score of each person taking the examination.
(C) The date of the examination.
(D) The discipline and whether the course was an initial or refresher course for which the examination was given.
(E) The name of the person who proctored the examination.
(4) Maintain the following certificate of training records:
(A) The name of each person receiving a certificate of training.
(B) Proof of a passing score on the examination.
(C) The certificate of training number.
(D) The discipline for which a certificate of training was conferred.
(E) The dates training was received.
(F) The expiration date of the certificate of training.
(G) The location of the training course.
(5) The training course provider shall ensure that the topic and dates of the training course correspond to those listed on each certificate of training.

(b) An approved provider of an initial training or refresher training course must comply with the following records retention and access requirements:
(1) The training course provider shall maintain all required records for a minimum of three (3) years.

(2) The training course provider must allow reasonable access to all of the records required by the model accreditation plan under 40 CFR 763, Subpart E, Appendix C* and to any other records that may be required by the department for the approval of asbestos training course providers or the accreditation of asbestos training courses to both U.S. EPA and the department upon request.
(3) If a training course provider ceases to conduct training, the training course provider shall notify the department and give the department the opportunity to take possession of that provider's asbestos training records.
(4) The training course provider shall maintain the records in a manner that allows verification by telephone of the required information.

***This document is incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.**

(Air Pollution Control Division; 326 IAC 18-3.1-12)

326 IAC 18-3.1-13 Course notice and record submittal

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-17

Sec. 13. An approved provider of an initial or refresher training courses must comply with the following requirements on forms provided by the department:
(1) Notify the department in writing of all intended training courses to be held. The notice must contain course dates, daily scheduled beginning and ending times, and exact course locations. Requirements for notice of courses are as follows:
(A) Notice of courses to be held in Indiana must be submitted to the department two (2) weeks prior to the scheduled course start date.
(B) Notice of courses to be held outside of Indiana must be submitted to the department four (4) weeks prior to the scheduled course start date.
(C) Notice of course cancellations must be submitted to the department via electronic submission or facsimile, no later than two (2) hours following the notified starting time and date.
(2) Provide the department, not later than two (2) weeks after completion of each course, the following:
(A) A list of all course attendee names.
(B) The discipline and whether the course was an initial or refresher course.
(C) The date or dates of the course and the examination.
(D) Examination scores for each attendee.
(E) The certificate of training number issued to each attendee.

(Air Pollution Control Division; 326 IAC 18-3.1-13)

SECTION 10. 326 IAC 18-4 IS ADDED TO READ AS FOLLOWS:

Rule 4. Asbestos Training Course Content

326 IAC 18-4-1 Initial training course requirements

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-17

Sec. 1. To qualify for approval, an asbestos training course must include:
(1) a written examination as described in 326 IAC 18-3.1-4; and
(2) the applicable course content described in this rule.

(Air Pollution Control Division; 326 IAC 18-4-1)

326 IAC 18-4-2 Initial inspector training course requirements

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6

Sec. 2. (a) An initial inspector training course must meet the requirements of this section.

(b) An inspector training course must be at least three (3) days in duration and include the following:
(1) Lectures, including the use of audiovisual materials where appropriate.
(2) Demonstrations.
(3) At least four (4) hours of hands-on training, including the following:
(A) Simulated building walk-through inspection.
(B) Individual respirator fit testing.
(4) A course review.

(c) An inspector training course must adequately address the following topics:
(1) Background information on asbestos to include the following:
(A) Identification of asbestos and examples and discussion of the uses and locations of asbestos in buildings.
(B) The physical appearance of asbestos.
(2) Potential health effects related to asbestos exposure to include the following:
(A) The nature of asbestos-related diseases.
(B) Routes of exposure.
(C) Dose-response relationships and the lack of a safe exposure level.
(D) The synergistic effect between cigarette smoking and asbestos exposure.
(E) The latency period for asbestos-related diseases.
(F) A discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancer of other organs.
(3) Functions, qualifications, and role of inspectors to include discussion of the following:
(A) Prior experience and qualifications for inspectors and management planners.
(B) The functions of a licensed inspector as compared to those of a licensed management planner.
(C) The inspection process, including inventory of ACM and physical assessment.
(4) Legal liabilities and defenses to include the following:
(A) Responsibilities of the inspector and management planner.
(B) A discussion of comprehensive general liability policies, claims-made and occurrence policies, and environmental and pollution liability policy clauses.
(C) State liability insurance requirements.
(D) Bonding and the relationship of insurance availability to bond availability.
(5) Understanding building systems to include the following:
(A) The interrelationship between building systems, including an overview of common building physical plan layout.
(B) Heat, ventilation, and air conditioning (HVAC) system types, physical organization, and where asbestos is found on HVAC components.
(C) Building mechanical systems, their types and organization, and where to look for asbestos on the systems.
(D) Inspecting electrical systems, including appropriate safety precautions.
(E) Reading blueprints and as-built drawings.
(6) Public, employee, or building occupant relations to include the following:
(A) Notice to 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 disruption.
(E) Education of building occupants about actions being taken.
(7) Preinspection planning and review of previous inspection records to include the following:
(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.
(F) The role of the inspector in exclusions for previously performed inspections.
(8) Inspecting for friable and nonfriable ACM and assessing the condition of friable ACM to include the following:
(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 damage, significant damage, potential damage, and 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.
(K) Deterioration as assessment factors.

(9) Bulk sampling or documentation of asbestos in schools to include the following:
(A) Detailed discussion of "Asbestos in Buildings: Simplified Sampling Scheme for Surfacing Materials", (U.S. EPA 560/5-85-030a October 1985)*.
(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) Sampling equipment the inspector should use.
(F) Patching or repair of damage done in sampling.
(G) An inspector's repair kit.
(H) Discussion of polarized light microscopy.
(I) Choosing an accredited laboratory to analyze bulk samples.
(J) Quality control and quality assurance procedures.

(10) Inspector respiratory protection and personal protective equipment to include the following:
(A) Classes and characteristics of respirator types.
(B) Limitations of respirators.
(C) Proper selection, inspection, donning, use, maintenance, and storage procedures for respirators.
(D) Methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests).
(E) Qualitative and quantitative fit testing procedures.
(F) Variability between field and laboratory protection factors.
(G) Factors that alter respirator fit, for example, facial hair.
(H) The components of a proper respiratory protection program.
(I) Selection and use of personal protective clothing.
(J) Use, storage, and handling of nondisposable clothing.

(11) Record keeping and writing the inspection report to include the following:
(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.
(E) Information required for inclusion in the management plan by Section 203(i)(1) TSCA Title II*.

(12) Regulatory review to include the following:
(A) National Emission Standards for Hazardous Air Pollutants (NESHAP) at 40 CFR 61, Subpart A* and Subpart M*.
(B) Asbestos worker protection at 40 CFR 763, Subpart G*.
(C) TSCA Title II*.
(D) Occupational Safety and Health Administration (OSHA) asbestos construction standard at 29 CFR 1926.1101*.
(E) OSHA respiratory protection requirements at 29 CFR 1910.134*.
(F) ACM in schools at 40 CFR 763, Subpart E*.
(G) Applicable state and local regulations and differences in federal or state requirements where they apply and the effects, if any, on public and nonpublic schools or commercial or public buildings.
(H) 326 IAC 14-2, 326 IAC 14-10, this article, 329 IAC 10-4-2, 329 IAC 10-8.2-4, and any local or municipal regulations, ordinances, or other local laws pertaining to asbestos.

(13) Field trip comprised of a walk-through inspection to include the following:
(A) On-site discussion on information gathering and determination of sampling locations.
(B) On-site practice in physical assessment.
(C) Classroom discussion of field exercise.

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

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(Air Pollution Control Division; 326 IAC 18-4-2)

326 IAC 18-4-3 Initial management planner training course requirements

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-17

Sec. 3. (a) An initial management planner training course must meet the requirements of this section.

(b) The training course provider must verify that each attendee possesses a current and valid inspector certificate of training prior to admission to the management planner training course.

(c) A management planner training course must be at least two (2) days in duration and include the following:
(1) Lectures, including the use of audiovisual materials where appropriate.
(2) Demonstrations.
(3) A course review.

(d) A management planner training course must adequately address the following topics:
(1) Course overview to include the following:
(A) The role of the management planner.
(B) Operations and maintenance programs.
(C) Setting work priorities.
(D) Protection of building occupants.
(2) Evaluation and interpretation of survey results to include the following:
(A) Review of TSCA Title II requirements for inspection and management plans as given in Section 203(i)(1) of TSCA Title II*.
(B) Interpretation of field data and laboratory results.
(C) Comparison between field inspector's data sheet with laboratory results and site survey.
(3) Hazard assessment to include the following:
(A) Amplification of the difference between physical assessment and hazard assessment.
(B) The role of the management planner in hazard assessment.
(C) Explanation of significant damage, damage, potential damage, and potential significant damage.
(D) Use of a description (or decision tree) code for assessment of ACM.
(E) Assessment of friable ACM.
(F) Relationship of accessibility, vibration sources, use of adjoining space, and air plenums and other factors to hazard assessment.
(4) Legal implications to include the following:
(A) Liability.
(B) Insurance issues specific to planners.
(C) Liabilities associated with interim control measures and in-house maintenance, repair, and removal.
(D) Use of results from previously performed inspections.
(5) Evaluation and selection of control options to include the following:
(A) Overview of encapsulation, enclosure, interim operations and maintenance, and removal.
(B) Advantages and disadvantages of each method.
(C) Response actions described via a decision tree or other appropriate method.
(D) Work practices for each asbestos project.
(E) Staging and prioritizing of work in both vacant and occupied buildings.
(F) The need for containment barriers and decontamination in asbestos projects.
(6) Role of other professionals to include the following:
(A) Use of industrial hygienists, engineers, and architects in developing technical specifications for asbestos projects.
(B) Any requirements that may exist for architect sign-off of plans.
(C) Team approach to design of high quality job specifications.

(7) Developing an operations and maintenance plan to include the following:
(A) Purpose of the plan.
(B) Discussion of applicable U.S. EPA guidance documents.
(C) What actions should be taken by custodial staff.
(D) Proper cleaning procedures.
(E) Steam cleaning and high efficiency particulate air (HEPA) vacuuming.
(F) Reducing disturbance of ACM.
(G) Scheduling operations and maintenance for off-hours.
(H) Rescheduling or canceling renovation in areas with ACM.
(I) Boiler room maintenance.
(J) Disposal of ACM.
(K) In-house procedures for ACM-bridging and penetrating encapsulants.
(L) Pipe fittings.
(M) Metal sleeves.
(N) Polyvinyl chloride (PVC), canvas, and wet wraps.
(O) Muslin with straps.
(P) Fiber mesh cloth.
(Q) Mineral wool and insulating cement.
(R) Discussion of employee protection programs and staff training.
(S) Case study in developing an operations and maintenance plan (development, implementation process, and problems that have been experienced).
(8) Regulatory review to include the following:
(A) Occupational Safety and Health Administration (OSHA) asbestos construction standard at 29 CFR 1926.1101*.
(B) NESHAP at 40 CFR 61, Subpart A* and Subpart M*.
(C) Asbestos worker protection at 40 CFR 763, Subpart G*.
(D) TSCA Title II*.
(E) 326 IAC 14-2, 326 IAC 14-10, this article, 329 IAC 10-4-2, 329 IAC 10-8.2-4, and any local or municipal regulations, ordinances, or other local laws pertaining to asbestos.
(9) Record keeping for the management planner to include the following:
(A) Use of field inspector's data sheet along with laboratory results.
(B) Ongoing record keeping as a means to track asbestos disturbance.
(C) Procedures for record keeping.
(10) Assembling and submitting the management plan to include the following:
(A) Plan requirements in TSCA Title II, Section 203(i)(1)*.
(B) The management plan as a planning tool.
(11) Financing abatement action to include the following:
(A) Economic analysis and cost estimates.
(B) Development of cost estimates.
(C) Present costs of abatement versus future operations and maintenance costs.
(D) Grants and loans under the Asbestos School Hazard Abatement Act (20 U.S.C. 4011 et seq.)*.
(12) A course review of the key aspects of the training course.

***Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.**

(Air Pollution Control Division; 326 IAC 18-4-3)

326 IAC 18-4-4 Initial project designer training course requirements

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-17

Sec. 4. (a) An initial project designer training course must meet the requirements of this section.

(b) A project designer training course must be at least three (3) days in duration and include the following:
(1) Lectures, including the use of audiovisual materials where appropriate.
(2) Demonstrations.

(3) A field trip.
(4) A course review.

(c) A project designer training course must adequately address the following topics:
(1) Background information on asbestos to include the following:
(A) Identification of asbestos.
(B) Examples and discussion of the uses and locations of asbestos in buildings.
(C) The physical appearance of asbestos.
(2) Potential health effects related to asbestos exposure to include the following:
(A) The nature of asbestos-related diseases.
(B) Routes of exposure.
(C) Dose-response relationships and the lack of a safe exposure level.
(D) The synergistic effect between cigarette smoking and asbestos exposure.
(E) The latency period of asbestos-related diseases.
(F) A discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancer of other organs.
(3) Overview of abatement construction projects to include the following:
(A) Abatement as a portion of a renovation project.
(B) Occupational Safety and Health Administration (OSHA) requirements for notification of other asbestos abatement or removal or demolition contractors on a multiemployer site at 29 CFR 1926.1101*.
(4) Safety system design specifications to include the following:
(A) Design, construction, and maintenance of containment barriers and decontamination enclosure systems.
(B) Positioning of warning signs.
(C) Electrical and ventilation system lock-out.
(D) Proper working techniques for minimizing fiber release.
(E) Entry and exit procedures for the work area.
(F) Use of wet methods.
(G) Use of negative pressure exhaust ventilation equipment.
(H) Use of high efficiency particulate air (HEPA) vacuums.
(I) Proper cleanup and disposal of asbestos.
(J) Work practices for removal, encapsulation, enclosure, and repair.
(K) Use of glove bags and a demonstration of glove bag use.
(L) Proper techniques for initial cleaning.
(5) A field trip comprised of a visit to an abatement site or other suitable building site that includes the following:
(A) On-site discussion of abatement design, and building walk-through inspection.
(B) Discussion of rationale for the concept of functional spaces during the walk-through.
(6) Employee personal protective equipment to include the following:
(A) Classes and characteristics of respirator types.
(B) Limitations of respirators.
(C) Proper selection, inspection, donning, use, maintenance, and storage procedures.
(D) Methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests).
(E) Qualitative and quantitative fit testing procedures.
(F) Variability between field and laboratory protection factors.
(G) Factors that alter respirator fit, for example, facial hair.
(H) Components of a proper respiratory protection program.
(I) Selection and use of personal protective clothing.
(J) Use, storage, and handling of nondisposable clothing.
(7) Additional safety hazards encountered during abatement activities and how to deal with them, including the following:
(A) Electrical hazards.
(B) Heat stress.
(C) Air contaminants other than asbestos.
(D) Fire and explosion hazards.
(8) Fiber aerodynamics and control to include the following:
(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.
(F) Aggressive air movement and negative pressure exhaust ventilation as a clean-up method.
(9) Designing abatement solutions to include the following:
(A) Discussions of removal, enclosure, and encapsulation methods.
(B) Asbestos waste disposal.
(10) Final clearance process to include the following:
(A) Discussion of the need for a written sampling rationale for aggressive final air clearance.
(B) Requirements of a complete visual inspection.
(C) The relationship of the visual inspection to final air clearance.
(11) Budgeting and cost estimation to include the following:
(A) Development of cost estimates.
(B) Present cost of abatement versus future operations and maintenance costs.
(C) Setting priorities for abatement jobs to reduce costs.
(12) Writing abatement specifications to include the following:
(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 to a particular building.
(E) Worker and building occupant health and medical considerations.
(F) Replacement of ACM with nonasbestos substitutes.
(13) Preparing abatement drawings to include the following:
(A) Significance and need for drawings.
(B) Use of as-built drawings.
(C) Use of inspection photographs and on-site reports.
(D) Methods of preparing abatement drawings.
(E) Diagramming containment barriers.
(F) Relationship of drawings to design specifications.
(G) Particular problems in abatement drawings.
(14) Contract preparation and administration.
(15) Legal liabilities and defenses to include the following:
(A) Insurance considerations.
(B) Bonding.
(C) Hold harmless clauses.
(D) Use of asbestos abatement contractor's liability insurance.
(E) Claims-made versus occurrence policies.
(16) Replacement of asbestos with asbestos-free substitutes.
(17) Role of other consultants to include the following:
(A) Development of technical specification sections by industrial hygienists or engineers.
(B) The multidisciplinary team approach to abatement design.
(18) Occupied buildings to include the following:
(A) Special design procedures required in occupied buildings.
(B) Education of occupants.
(C) Extra monitoring recommendations.
(D) Staging of work to minimize occupant exposure.
(E) Scheduling of renovation to minimize exposure.
(19) Relevant federal, state, and local regulatory requirements with a discussion of procedures and standards, including the following:
(A) TSCA Title II*.
(B) NESHAP at 40 CFR 61, Subpart A* and Subpart M*.
(C) OSHA respiratory protection requirements at 29 CFR 1910.134*.
(D) Asbestos worker protection at 40 CFR 763, Subpart G*.
(E) OSHA asbestos construction standard at 29 CFR 1926.1101*.
(F) OSHA hazard communication standard at 29 CFR 1926.59*.
(G) 326 IAC 14-2, 326 IAC 14-10, this article, 329 IAC 10-4-2, 329 IAC 10-8.2-4, and any local or municipal regulations, ordinances, or other local laws pertaining to asbestos.
(20) A course review of the key aspects of the training course.

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review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.

(Air Pollution Control Division; 326 IAC 18-4-4)

326 IAC 18-4-5 Initial project supervisor and abatement contractor training course requirements

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-17

Sec. 5. (a) An initial project supervisor and asbestos abatement contractor training course must meet the requirements of this section.

(b) A project supervisor or asbestos abatement contractor training course must be at least five (5) days in duration and include the following:
(1) Lectures, including the use of audiovisual materials where appropriate.
(2) Demonstrations.
(3) At least fourteen (14) hours of hands-on training, including the following:
(A) Working with asbestos-substitute material.
(B) Individual fitting and using of respirators.
(C) Use of glove bags.
(D) Donning protective clothing.
(E) Constructing a decontamination unit.
(F) Other related abatement work activities.
(4) A course review.

(c) A project supervisor or asbestos abatement contractor training course must adequately address the following topics:
(1) Physical characteristics of asbestos and ACM to include the following:
(A) Identification of asbestos.
(B) Aerodynamic characteristics.
(C) Typical uses.
(D) Physical appearance.
(E) A review of hazard assessment considerations.
(F) A summary of abatement control options.
(2) Potential health effects related to asbestos exposure to include the following:
(A) The nature of asbestos-related diseases.
(B) Routes of exposure.
(C) Dose-response relationships and the lack of a safe exposure level.
(D) The synergistic effect between cigarette smoking and asbestos exposure.
(E) The latency period for asbestos-related diseases.
(3) Employee personal protective equipment to include the following:
(A) Classes and characteristics of respirator types.
(B) Limitations of respirators.
(C) Proper selection, inspection, donning, use, maintenance, and storage procedures for respirators.
(D) Methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests).
(E) Qualitative and quantitative fit testing procedures.
(F) Variability between field and laboratory protection factors.
(G) Factors that alter respirator fit, for example, facial hair.
(H) The components of a proper respiratory protection program.
(I) Selection and use of personal protective clothing.
(J) Use, storage, and handling of nondisposable clothing.
(K) Regulations covering personal protective equipment.
(4) State-of-the-art work practices to include the following:
(A) Proper work practices for asbestos abatement activities, including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems.
(B) Positioning of warning signs.
(C) Electrical and ventilation system lock-out.

(D) Proper working techniques for minimizing fiber release.
(E) Use of wet methods.
(F) Use of negative pressure exhaust ventilation equipment.
(G) Use of high efficiency particulate air (HEPA) vacuums.
(H) Proper clean-up and disposal procedures.
(I) Work practices for removal, encapsulation, enclosure, and repair of ACM.
(J) Emergency procedures for unplanned releases.
(K) Potential exposure situations.
(L) Transport and disposal procedures.
(M) Recommended and prohibited work practices.
(N) New abatement-related techniques and methodologies.

(5) Personal hygiene to include the following:
(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.
(D) Potential exposures, such as family exposure, must be included.

(6) Additional safety hazards encountered during abatement activities and how to deal with them, including the following:
(A) Electrical hazards.
(B) Heat stress.
(C) Air contaminants other than asbestos.
(D) Fire and explosion hazards.
(E) Scaffold and ladder hazards.
(F) Slips, trips, and falls.
(G) Confined spaces.

(7) Medical monitoring to include the following:
(A) Occupational Safety and Health Administration (OSHA) and U.S. EPA requirements for a pulmonary function test.
(B) Chest x-ray and a medical history for each employee.

(8) Air monitoring procedures to determine airborne concentrations of asbestos fibers to include the following:
(A) A description of aggressive sampling.
(B) Sampling equipment and methods.
(C) Reasons for air monitoring.
(D) Types of samples.
(E) Interpretation of results, specifically from analyses performed by polarized light, phase-contrast, and electron microscopy.

(9) Relevant federal, state, and local regulatory requirements with a discussion of procedures and standards to include the following:
(A) TSCA Title II*.
(B) NESHAP at 40 CFR 61, Subpart A* and Subpart M*.
(C) OSHA respiratory protection requirements at 29 CFR 1910.134*.
(D) OSHA asbestos construction standard at 29 CFR 1926.1101*.
(E) Asbestos worker protection at 40 CFR 763, Subpart G*.
(F) 326 IAC 14-2, 326 IAC 14-10, this article, 329 IAC 10-4-2, 329 IAC 10-8.2-4, and any local or municipal regulations, ordinances, or other local laws pertaining to asbestos.

(10) Respiratory protection programs and medical surveillance programs.

(11) Insurance and liability issues to include the following:
(A) Asbestos abatement contractor issues.
(B) Workers' compensation coverage and exclusions.
(C) Third-party liabilities and defenses.
(D) Insurance coverage and exclusions.

(12) Record keeping for asbestos projects to include the following:
(A) Records required by federal, state, and local regulations.
(B) Records recommended for legal and insurance purposes.

(13) Supervisory techniques for asbestos abatement activities to include supervisory practices that enforce and reinforce the required work practices and discourage unsafe work practices.

(14) Contract specifications to include a discussion of key elements that are included in contract specifications.

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

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(Air Pollution Control Division; 326 IAC 18-4-5)

326 IAC 18-4-6 Initial worker training course requirements

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-17

Sec. 6. (a) An initial worker training course must meet the requirements of this section.

(b) A worker training course must be at least four (4) days in duration and include the following:
(1) Lectures, including the use of audiovisual materials where appropriate.
(2) Demonstrations.
(3) At least fourteen (14) hours of hands-on training, including the following:
(A) Working with asbestos-substitute material.
(B) Individual fitting and using of respirators.
(C) Use of glove bags.
(D) Donning protective clothing.
(E) Constructing a decontamination unit.
(F) Other related abatement work activities.
(4) A course review.

(c) A worker training course must adequately address the following topics:
(1) Physical characteristics of asbestos to include the following:
(A) Identification of asbestos.
(B) Aerodynamic characteristics.
(C) Typical uses.
(D) Physical appearance.
(E) A summary of abatement control options.
(2) Potential health effects related to asbestos exposure to include the following:
(A) The nature of asbestos-related diseases.
(B) Routes of exposure.
(C) Dose-response relationships and the lack of a safe exposure level.
(D) The synergistic effect between cigarette smoking and asbestos exposure.
(E) The latency period for asbestos-related diseases.
(F) A discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancer of other organs.
(3) Employee personal protective equipment to include the following:
(A) Classes and characteristics of respirator types.
(B) Limitations of respirators.
(C) Proper selection, inspection, donning, use, maintenance, and storage procedures for respirators.
(D) Methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests).
(E) Qualitative and quantitative fit testing procedures.
(F) Variability between field and laboratory protection factors.
(G) Factors that alter respirator fit, for example, facial hair.
(H) The components of a proper respiratory protection program.
(I) Selection and use of personal protective clothing, use, storage, and handling of nondisposable clothing.
(J) Regulations covering personal protective equipment.
(4) State-of-the-art work practices to include the following:
(A) Proper work practices for asbestos abatement activities, including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems.
(B) Positioning of warning signs.
(C) Electrical and ventilation system lock-out.
(D) Proper working techniques for minimizing fiber release.

(E) Use of wet methods.
(F) Use of negative pressure ventilation equipment.
(G) Use of high efficiency particulate air (HEPA) vacuums.
(H) Proper clean-up and disposal procedures.
(I) Work practices for removal, encapsulation, enclosure, and repair of ACM.
(J) Emergency procedures for unplanned releases.
(K) Potential exposure situations.
(L) Transport and disposal procedures.
(M) Recommended and prohibited work practices.
(5) Personal hygiene to include the following:
(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.
(D) Potential exposures, such as family exposure.
(6) Additional safety hazards encountered during abatement activities and how to deal with them, including the following:
(A) Electrical hazards.
(B) Heat stress.
(C) Air contaminants other than asbestos.
(D) Fire and explosion hazards.
(E) Scaffold and ladder hazards.
(F) Slips, trips, and falls.
(G) Confined spaces.
(7) Medical monitoring to include the following:
(A) Occupational Safety and Health Administration (OSHA) and U.S. EPA requirements for a pulmonary function test.
(B) Chest x-rays and a medical history for each employee.
(8) Air monitoring to include procedures to determine airborne concentrations of asbestos fibers, focusing on how personal air sampling is performed and the reasons for it.
(9) Relevant federal, state, and local regulatory requirements, with a discussion of procedures and standards to include the following:
(A) TSCA Title II*.
(B) NESHAP at 40 CFR 61, Subpart A* and Subpart M*.
(C) OSHA respiratory protection requirements at 29 CFR 1910.134*.
(D) OSHA asbestos construction standard at 29 CFR 1926.1101*.
(E) Asbestos worker protection at 40 CFR 763, Subpart G*.
(F) 326 IAC 14-2, 326 IAC 14-10, this article, 329 IAC 10-4-2, 329 IAC 10-8.2-4, and any local or municipal regulations, ordinances, or other local laws pertaining to asbestos.
(10) Establishment of respiratory protection programs.
(11) A course review of the key aspects of the training course.

***Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.**

(Air Pollution Control Division; 326 IAC 18-4-6)

SECTION 11. THE FOLLOWING ARE REPEALED: 326 IAC 18-1-3; 326 IAC 18-1-4; 326 IAC 18-1-5; 326 IAC 18-1-6; 326 IAC 18-1-7; 326 IAC 18-1-8; 326 IAC 18-1-9; 326 IAC 18-1-10; 326 IAC 18-2-1; 326 IAC 18-2-2; 326 IAC 18-2-3; 326 IAC 18-2-4; 326 IAC 18-2-5; 326 IAC 18-2-6; 326 IAC 18-2-7; 326 IAC 18-2-8; 326 IAC 18-2-9; 326 IAC 18-2-10.1; 326 IAC 18-2-11; 326 IAC 18-2-12; 326 IAC 18-2-13; 326 IAC 18-2-14.

Notice of Public Hearing

Posted: 12/12/2018 by Legislative Services Agency
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