

ENERGY AND ENVIRONMENT CABINET
Department for Environmental Protection
Division for Air Quality
(Amendment)

401 KAR 58:040. Requirements for asbestos abatement entities.

RELATES TO: KRS 224.10-100, 224.20-100, 224.20-110, 224.20-120, 29 C.F.R. 1910.1001, 40 C.F.R. 61.152

STATUTORY AUTHORITY: KRS 224.10-100(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(5) authorizes the Cabinet to promulgate administrative regulations for the prevention, abatement, and control of air pollution. This administrative regulation provides for the control of asbestos emissions from asbestos abatement projects.

Section 1. Definitions. As used in this administrative regulation, all terms not defined herein shall have the meaning given them in 401 KAR 50:010 or 401 KAR 58:025.

(1) "Air lock" means a system of enclosures within the containment area consisting of two (2) doorways, curtained with polyethylene sheeting, at least three (3) feet apart.

(2) "Asbestos abatement entity" means a partnership, firm, association, corporation, sole proprietorship, or other business concern, any governmental agency, or any other organization, composed of one (1) or more employees or members, or an individual involved in any of the asbestos-related activities specified in subsection (3) of this section.

(3) "Asbestos abatement project" means any renovation or demolition activity at a facility which may cause a disturbance of friable asbestos material.

(4) "Certificate" means a permit issued by the cabinet pursuant to KRS 224.10-100(19) to allow an asbestos abatement entity to engage in asbestos abatement projects, including the use of equipment or practices that control the emissions of asbestos fibers into the outside air.

(5) "Certification fee" means a fee, established by the cabinet pursuant to KRS 224.10-100(20), for the issuance of certificates to asbestos abatement entities according to this administrative regulation.

(6) "Clean room" means an uncontaminated area or room which is part of the worker decontamination enclosure system with provisions for storage of workers' street clothes and clean protective equipment.

(7) "Clearance air monitoring" means the monitoring of air conducted inside the work area after cleanup of an asbestos abatement project has been completed.

(8) "Containment area" means the entire area in which an asbestos abatement project is conducted; including the work area, equipment room, shower room, clean room, and all associated air locks.

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

(10) "Emergency operation" means a renovation operation that was not planned but results from a sudden, unexpected event. This term includes operations necessitated by nonroutine failures of equipment.

(11) "Equipment room" means a contaminated area or room which is part of the worker decontamination enclosure system with provisions for storage of contaminated clothing and equipment.

(12) "Facility" means an institutional, commercial, or industrial structure, installation, or building, excluding apartment buildings having no more than four (4) dwelling units.

- (13) "Facility component" means a pipe, duct, boiler, tank, reactor, turbine, or furnace at or in a facility; or a structural member of a facility.
- (14) "Friable asbestos material" means material containing more than one (1) percent asbestos by weight that hand pressure can crumble, pulverize, or reduce to powder when dry.
- (15) "Glove bag" means a manufactured device consisting of plastic with a thickness of six (6) mils or more, two (2) inward-projecting long-sleeve rubber gloves, one (1) inward-projecting water-wand sleeve, an internal tool pouch, and an attached, labeled receptacle for asbestos waste. The glove bag is constructed and installed so that it surrounds the object or area from which the asbestos containing material is to be removed, and contains all asbestos fibers released during the removal process.
- (16) "Glove bag technique" means a method of removing asbestos from pipes, ducts, valves, joints, and other nonplanar surfaces, which uses one (1) or more glove bags.
- (17) "HEPA filtration" means high efficiency particulate air filtration found in respirators and vacuum systems capable of filtering particles greater than or equal to three-tenths (0.3) microns in size, with 99.97 percent efficiency.
- (18) "HVAC" means a heating, ventilation, and air conditioning system.
- (19) "Lockdown agent" means a protective coating or sealant which is applied to a surface from which asbestos-containing material has been removed.
- (20) "OSHA" means the Occupational Safety and Health Administration.
- (21) "Polyethylene sheeting" or "polyethylene bags" means sheeting or bags of polyethylene plastic with a thickness of six (6) mils or more, except as otherwise specified.
- (22) "Publicly owned facility" means a facility owned by the state, or any political subdivision thereof, municipality, or other public entity.
- (23) "Renovation" means altering in any way one (1) or more facility components. Operations in which load-supporting structural members are wrecked or taken out are excluded.
- (24) "Shower room" means a room between the clean room and the equipment room in the worker decontamination enclosure system with hot and cold running water controllable at the tap and suitably arranged for complete showering during decontamination.
- (25) "Structure" means a whole facility, building, or a major portion thereof, such as a building wing.
- (26) "Work area" means the contaminated area within the containment area that contains the friable asbestos material which is to be abated.

Section 2. Applicability.

- (1)
- (a) Except as provided in paragraph (b) of this subsection, the provisions of this administrative regulation shall apply to each asbestos abatement entity which is involved in any asbestos abatement project.
- (b) An asbestos abatement entity shall not be required to obtain the certificate as required in Section 3 of this administrative regulation or attend the training required in Section 10 of this administrative regulation in order to conduct asbestos abatement projects which are not subject to the provisions of 401 KAR 58:025, however, the asbestos abatement entity shall comply with the provisions of Sections 4(3) and 12 of this administrative regulation when performing such projects.
- (2) Any person may request that the cabinet determine whether a project is an asbestos abatement project. Such a request shall include the type of disturbance involved, a description of the friable asbestos materials, and laboratory data sheets with bulk sample results, methods of analysis, and the signature of the analyst. The cabinet shall make its

determination, in writing, not later than ten (10) working days after it has received a written request with complete and accurate information adequate to make a determination.

Section 3. Prohibition. An asbestos abatement entity shall not engage in any asbestos abatement project subject to 401 KAR 58:025 after April 1, 1988, unless:

- (1) A certificate to engage in an asbestos abatement project has been issued by the cabinet in accordance with this administrative regulation, and is currently in effect. This subsection shall not apply during the compliance demonstration required in Section 6(2) of this administrative regulation.
- (2) At least one (1) person identified in Section 10 of this administrative regulation is in attendance at the site of the containment area during the execution of the project.

Section 4. Work Practice Requirements.

(1) The work practice requirements of subsections 2 and 3 of this section shall apply to asbestos abatement entities. This section shall not apply to asbestos abatement entities which perform asbestos abatement projects at the entities' own manufacturing or industrial facilities if the projects are performed exclusively by employees of the manufacturer or industry.

(2) Work practice requirements for renovations addressed in 401 KAR 58:025. An asbestos abatement entity that engages in an asbestos abatement project, including emergency operations, subject to 401 KAR 58:025 and involves renovation shall comply with the following work practice requirements:

(a) All objects and exposed surfaces in the work area shall be cleaned. Movable objects may then be removed. Objects not removed from the work area shall be covered with polyethylene sheeting secured in place. All openings within the containment area, including windows, doorways, elevator openings, corridor entrances, drains, ducts, grills, grates, diffusers, skylights, and openings created by the construction of any barriers, shall be sealed with polyethylene sheeting. Containment areas shall be established by permanent walls extending from the floor to the ceiling, or where permanent walls do not exist, by barriers. Barriers shall be constructed of polyethylene sheeting attached securely in place.

(b) Floor sheeting shall be installed within the containment area and shall be at least two (2) layers of polyethylene sheeting. Floor sheeting shall extend up side walls at least twelve (12) inches and shall be sized to minimize seams. Seams shall not be located at wall-to-floor joints.

(c) Wall sheeting shall be installed throughout the containment area. All wall sheeting shall be polyethylene sheeting, with each layer at least four (4) mils thick, shall be securely installed to minimize seams, and shall extend beyond each wall-to-floor joint at least twelve (12) inches. Seams shall not be located at wall-to-wall joints.

1. Within the work area. Wall sheeting on a permanent wall shall be at least two (2) layers. Wall sheeting on a barrier shall be at least one (1) layer.

2. Within all other areas of the containment area. Wall sheeting on a permanent wall shall be at least one (1) layer. Wall sheeting shall not be required where barriers are used.

(d) A worker decontamination enclosure system shall be provided, consisting of a clean room, shower room, and equipment room, each separated from each other and from the work area by air locks and accessible through doorways protected with two (2) overlapping polyethylene sheets.

(e) All HVAC equipment in or passing through the containment area shall be shut down, locked out, and tagged out to advise personnel not to activate the equipment. All intake and exhaust openings and any seams in system components shall be sealed with polyethylene sheeting and waterproof tape.

- (f) Warning signs shall be displayed at all approaches to any location where airborne fiber levels can be expected to exceed background levels. Warning signs shall conform with OSHA 1910.1001 specifications.
- (g) Negative pressure ventilation units with HEPA filtration and in sufficient number to provide one (1) workplace air change every fifteen (15) minutes shall operate continuously for the duration of the project. The duration of the project shall be from the time that a containment area is established and wall and floor sheeting are installed until acceptable final clearance air monitoring results are obtained.
- (h) All friable asbestos material shall be thoroughly wetted through to the substrate prior to removal.
- (i) Facility components shall be removed intact or in large sections if possible and shall be carefully lowered to the floor. Other friable asbestos material shall be removed in small sections.
- (j) Materials located at heights greater than fifteen (15) feet but less than or equal to fifty (50) feet above the floor shall be dropped into inclined chutes or onto scaffolding or containerized at their elevated levels for eventual disposal. For materials more than fifty (50) feet above the floor, a dust-tight enclosed chute shall be constructed to transport removed material to containers on the floor.
- (k) Friable asbestos material that has been removed shall not be allowed to accumulate or become dry.
- (l) For porous surfaces stripped of friable asbestos materials, a lockdown agent shall be applied to securely seal any residual fibers. The lockdown agent shall be compatible with subsequent covering.
- (m) Following abatement, wall sheeting and floor sheeting shall be removed and containerized for disposal. A sequence of HEPA filtration vacuuming, wet wiping all exposed surfaces, and surface drying shall be performed until visible residue is not observed in the work area. A minimum of twenty-four (24) hours after wet wiping shall be required to ensure that sufficient drying has occurred.
- (n) All asbestos-containing waste, except for large facility components, shall be thoroughly wetted before being placed into containers for disposal. Large components shall be thoroughly wetted before being wrapped in polyethylene sheeting for disposal. Disposal shall occur at locations identified in paragraph (u) of this subsection.
- (o) Wet asbestos-containing waste shall be double bagged in polyethylene bags placed in sealed, rigid containers such as steel drums, fiber drums, or heavy cardboard boxes for transport to the approved landfill identified in paragraph (u) of this subsection. Large facility components may be wrapped in two (2) layers of polyethylene sheeting which are secured with waterproof tape for disposal.
- (p) All polyethylene sheeting used in an asbestos abatement project shall be treated as asbestos-containing waste.
- (q) All wrapping or containerizing of asbestos-containing waste shall be completed to prevent the outside of the wrapping or container from being contaminated with asbestos fibers.
- (r) All packaged wastes including boxes, drums, and wrapped components shall be labeled in accordance with 40 C.F.R. 61.152, adopted by reference in 401 KAR 58:025.
- (s) Clearance air monitoring shall be performed. At least five (5) samples of air per work area, or one (1) sample per room, whichever is greater, shall be obtained for the clearance air monitoring. A sample volume of 3,000 liters of air shall be used. The air samples shall be obtained when the air is being artificially circulated so the fibers remain airborne during the sampling. Barriers shall not be dismantled, and openings shall not be uncovered, until the final samples show total fiber concentrations of less than or equal to 0.01 fibers per cubic centimeter of air. The method for determining

compliance with this paragraph shall be either of the methods specified in Appendix M to "Guidance for Controlling Asbestos-Containing Materials in Buildings" (U.S. Environmental Protection Agency, Office of Pesticides and Toxic Substances, EPA 560/5-85-024, June 1985).

(t) Transport and disposal of asbestos-containing waste shall not release asbestos fibers into the outside air.

(u) Disposal shall occur at a site approved by the Division of Waste Management to accept asbestos-containing waste in accordance with 401 KAR Chapter 47 and shall meet all other applicable local, state, and federal laws.

(v) The asbestos abatement entity shall submit copies of all results of sampling obtained during clearance air monitoring and all disposal receipts to the building owner and the cabinet.

(3) Work practice requirements for demolitions addressed in 401 KAR 58:025. An asbestos abatement entity that engages in any asbestos abatement project subject to 401 KAR 58:025 and involves demolition shall comply with the following work practice requirements:

(a) Any partial or full demolition of a structure which contains facility components composed of or covered by friable asbestos material shall be removed prior to demolition, according to the requirements of subsection (2) of this section.

(b) Instead of the requirements specified in subsection (2)(a), (b), (c), (e), and (l) of this section, asbestos abatement entities engaging in demolition activities shall comply with the following requirements:

1. Before beginning a demolition project, all doors, windows, floor drains, vents, and other openings to the outside of the building and to areas within the building that do not contain asbestos materials, shall be sealed off with polyethylene sheeting and waterproof tape; and

2. If a structure is to be partially demolished, all HVAC equipment in the demolition area or passing through it but servicing areas of the building which will remain, shall be shut down, locked out, tagged out to advise personnel not to activate the equipment, and thoroughly sealed with polyethylene sheeting and waterproof tape.

(c) Clearance air monitoring as described in subsection (2)(s) of this section shall be required, following abatement activities conducted for demolition purposes, prior to demolition.

(d) All other requirements of subsection (2) of this section, unless specified in paragraph (b) of this subsection, shall apply to demolition abatement activities.

(4) An asbestos abatement entity engaged in an asbestos abatement project, including emergency operations, not subject to the requirements of subsections (2) and (3) of this section shall take reasonable precautions to prevent the release of asbestos fibers to the outside air. Precautions shall include:

(a) Construction of adequate barriers or use of wall and floor sheeting to contain asbestos fibers released within the containment area;

(b) Wetting of all friable asbestos materials prior to removal and keeping them wet until containerized;

(c) Use of HEPA filtration vacuum equipment and wet cleaning techniques to clean up the work area following the project until there is no visible residue;

(d) Appropriately wrapping or containerizing asbestos-containing waste and labeling the packaged waste including wrapped components, boxes, or fiber or metal drums; and

(e) Transportation to and disposal at a location identified in subsection (2)(u) of this section in a manner that does not release fibers into the outside air.

(5) Instead of the work practice requirements of subsection (2)(a) to (e), (g), (i), (m), (n), (p), and (s) of this section, subsection (3)(b) and (c) of this section, and subsection (4)(a)

and (c) of this section, the asbestos abatement entity may elect to use the glove bag technique for an asbestos abatement project. The glove bag technique is an acceptable alternative to those requirements. The cabinet may, on a case-by-case basis, approve other alternative work practice requirements for an asbestos abatement project provided that the asbestos abatement entity submits the alternative to the requirements to the cabinet, in writing prior to beginning the asbestos abatement project, and demonstrates to the satisfaction of the cabinet that compliance with the requirements established in this section is not practical or not feasible and that the proposed alternative to the requirements provides an equivalent control of asbestos and is not in conflict with any applicable local, state, or federal law.

Section 5. Applications.

- (1) An asbestos abatement entity shall not be considered for certification unless the training requirements of Section 10 of this administrative regulation have been completed prior to application.
- (2) Applications for certification required under Section 3 of this administrative regulation shall be made on form DEP 7034, Asbestos Contractor Certification Application.
- (3) Applications for certification shall be signed by an authorized agent of the asbestos abatement entity. The signature shall constitute personal affirmation that the statements made in the application are true and complete.
- (4) Failure to supply information required or deemed necessary by the cabinet to enable it to act upon the certification application shall result in denial of the certificate.
- (5) An asbestos abatement entity which submits an application for certification shall include with the application a filing fee, as established in Section 8 of this administrative regulation.

Section 6. Consideration of Applications.

- (1) Within thirty (30) days after receipt of an application for certification, the cabinet shall advise the asbestos abatement entity as to whether or not the application is complete, and if not complete, what additional information is necessary in order to evaluate the application.
- (2) Within fifteen (15) days after the application for certification is deemed complete, the cabinet shall contact the asbestos abatement entity to establish a date when the cabinet can witness an asbestos abatement project which shall be performed by the entity to demonstrate compliance with this administrative regulation.
- (3) The cabinet shall make its application determination, including its approval or denial, within thirty (30) days after attendance at the asbestos abatement project demonstration, unless the cabinet determines that an additional period of time is necessary to adequately review the application or its evaluation of the demonstration. The cabinet shall notify the asbestos abatement entity, in writing, of the determination and include any reasons for denial.
- (4) If the application is approved, the asbestos abatement entity shall submit the certification fee, as established in Section 8 of this administrative regulation. Upon receipt of the certification fee, the cabinet shall issue to the asbestos abatement entity the certificate to engage in asbestos abatement projects, in accordance with this administrative regulation.
- (5) The cabinet shall deny an application for certification if the cabinet determines that the requirements of this administrative regulation or 401 KAR 58:025 are not met, if the asbestos abatement entity knowingly made any misstatements in the application, or if the owner or operator of an asbestos abatement entity, or an entity with a different name to which a certificate had previously been issued, cannot reasonably be expected to conduct himself in a manner that is consistent with the acceptance of responsibility for asbestos

abatement projects. The cabinet shall make determinations regarding issuance or denial of the certification based upon the applicant's actions during any prior term of certification, the information contained in the application, and any other pertinent information that is available to the cabinet.

(6) Certificates issued in accordance with Section 5 of this administrative regulation shall be subject to the terms and conditions in the certificate to ensure compliance with the requirements of this administrative regulation and of 401 KAR 58:025.

Section 7. Duration and Renewal of Certificates.

(1) Unless the cabinet revokes a certificate, that certificate, including renewal of certification, shall remain in effect for one (1) year after the date of issuance.

(2) An asbestos abatement entity shall not be considered for renewal of certification unless the training requirements of Section 10 of this administrative regulation have been completed prior to application.

(3) Applications for renewal of certification shall be made on form DEP 7034, Asbestos Contractor Certification Application. An application for renewal shall be submitted not earlier than ninety (90) days and not later than thirty (30) days before the date of expiration.

(4) Applications for renewal of certification shall be signed by an authorized agent of the asbestos abatement entity. The signature shall constitute personal affirmation that the statements made in the application are true and complete.

(5) Failure to supply information required or deemed necessary by the cabinet to enable it to act upon the renewal application shall result in denial of the renewal application.

(6) An asbestos abatement entity which submits an application for renewal of certification shall include with the application a filing fee, as established in Section 8 of this administrative regulation.

(7) The cabinet shall make its renewal application determination, including its approval or denial, within thirty (30) days of receipt of a complete renewal application. The cabinet shall notify the asbestos abatement entity, in writing, of the determination including its reasons for any denials.

(8) If the renewal is approved, the asbestos abatement entity shall submit the fee for renewal of certification, as established in Section 8 of this administrative regulation. Upon receipt of the fee, the cabinet shall issue to the asbestos abatement entity the renewed certificate to engage in asbestos abatement projects, in accordance with this administrative regulation.

(9) The cabinet shall deny an application for renewal of certification if the asbestos abatement entity has failed to comply fully with all applicable requirements of this administrative regulation or of 401 KAR 58:025 during the year preceding the renewal application.

Section 8. Fees. This section shall not apply to any publicly owned facility, as defined in Section 1 of this administrative regulation. All fees shall be submitted to the cabinet as a certified check, cashier's check, or money order, payable to the Kentucky State Treasurer; or may be submitted electronically online.

(1) Filing fee. Each asbestos abatement entity shall submit with the application for certification or renewal of certification, a filing fee, as established in paragraph (a) or (b) of this subsection. The filing fee is not refundable if the certification is denied or the application is withdrawn. The filing fee, shall be applied toward the certification or renewal fee if the certificate is issued, pursuant to Section 6 or 7 of this administrative regulation.

(a) The filing fee for certification shall be \$100.

(b) The filing fee for renewal of certification shall be fifty (50) dollars.

(2) Certification or renewal fee. A fee as established in paragraph (a) or (b) of this subsection, shall be submitted to the cabinet prior to the issuance of the certificate or renewed certificate to an asbestos abatement entity.

(a) The certification fee shall be \$500.

(b) The fee for renewal of certification shall be \$250.

Section 9. Certification Revocation. The cabinet may revoke any certification issued pursuant to this administrative regulation if the asbestos abatement entity:

(1) Knowingly makes any misstatements or omits information in the certification application, renewal application, or any amendments thereto;

(2) Fails to comply with the terms or conditions of the certification;

(3) Fails to comply with the work practice requirements in Section 4 of this administrative regulation; or

(4) Fails to properly dispose of friable asbestos materials.

Section 10. Training Requirements.

(1) As a part of the certification as required in Section 3 of this administrative regulation, the asbestos abatement entity shall identify at least one (1) supervisor who shall be in attendance during the execution of each asbestos abatement project, and shall be trained with an initial training course approved by the cabinet, and an annual retraining course approved by the cabinet.

(2) Persons identified in subsection (1) of this section shall be required to successfully complete a written examination, administered by the training sponsors, at the completion of the training or retraining course to demonstrate familiarity with the safe performance of asbestos abatement activities. Correct responses to at least seventy (70) percent of the examination questions shall be necessary to meet the requirements of this subsection.

(3) As a part of the certification pursuant to Section 3 of this administrative regulation, supervisors identified in subsection (1) of this section shall attend an orientation program sponsored by the cabinet, concerning the requirements, procedures, and standards established by this administrative regulation.

(4) If at any time, the supervisor identified in subsections (1) through (3) of this section is no longer employed by the certified asbestos abatement entity, or is no longer in attendance during the execution of asbestos abatement projects, the entity shall immediately notify the cabinet. The cabinet may continue the certificate, if there is another employee who has fulfilled the training requirements in this section, and who will be in attendance during the execution of asbestos abatement projects for the entity.

Section 11. Training Course Requirements.

(1) The initial training course required in Section 10 of this administrative regulation shall provide information on the following topics:

(a) The physical characteristics of asbestos, including fiber size, aerodynamic characteristics, and physical appearance;

(b) The health hazards of asbestos;

(c) Employee personal protective equipment;

(d) Recommended medical monitoring procedures, benefits of medical monitoring, and employee access to records;

(e) Air monitoring procedures;

(f) State-of-the-art work practices for asbestos abatement activities;

(g) Personal hygiene;

(h) Additional safety hazards that may be encountered during abatement activities and how to deal with them;

(i) The requirements, procedures, and standards established by federal regulations;

- (j) Contract specifications and bidding procedures, liability insurance and bonding, and legal consideration related to asbestos abatement; and
 - (k) Establishing respiratory protection programs, medical surveillance programs, and U.S. EPA and OSHA recordkeeping requirements.
- (2) The yearly retraining course required in Section 10(1) of this administrative regulation shall review the topics in subsection (1) of this section, update information on state-of-the-art procedures and equipment, and review regulatory changes and interpretations.
- (3) The course entitled "Supervision of Asbestos Abatement Projects," as approved by the U.S. EPA, shall satisfy the requirements for initial training and retraining courses, as established in subsections (1) and (2) of this section.
- (4) Training courses, except the course referenced in subsection (3) of this section, may be approved by the cabinet on a case-by-case basis. The cabinet may approve training courses, based on the determination that it provides equivalent training as the course specified in subsection (3) of this section. A prospective course sponsor shall submit the following information:
- (a) Information about the course sponsor;
 - (b) Course location and fees;
 - (c) Copies or description of course handouts;
 - (d) A detailed description of course content and the amount of time allotted to each major topic;
 - (e) A description of teaching methods and a list of all audio-visual materials;
 - (f) A list of all personnel to be involved in course preparation and presentation and a brief description of the background, special training, and qualifications of each;
 - (g) A description of student evaluation methods;
 - (h) A description of course evaluation methods;
 - (i) Any restriction on attendance including language; and
 - (j) A copy of the written examination to be administered at completion of the course.

Section 12. Records.

- (1) Each asbestos abatement entity shall maintain records of all asbestos abatement projects and shall make these records available to the cabinet upon request. The asbestos abatement entity shall retain the records for at least six (6) years.
- (2) The asbestos abatement entity shall record the following information for each project:
- (a) Name and address of supervisor responsible for the project;
 - (b) The location and description of the project and the estimated amount of asbestos removed;
 - (c) Starting and completion date. If the completion date differs from that originally scheduled, include reasons for delay;
 - (d) Summary of the procedures used to comply with all applicable requirements, including copies of all notifications, if applicable;
 - (e) Name and address of the waste disposal site and disposal receipts, including the amount of asbestos-containing material disposed; and
 - (f) Results of all air sampling conducted during the asbestos abatement project, if applicable, including personal, area, and clearance samples.

Section 13. Penalties. An asbestos abatement entity which violates any provision of this administrative regulation shall be subject to KRS 224.99-010.

Section 14. Incorporation by Reference.

- (1) The following material is incorporated by reference:
- (a) Appendix M (Detailed Specifications for Sampling and Analyzing Airborne Asbestos) to "Guidance for Controlling Asbestos-Containing Materials in Buildings"

(U.S. Environmental Protection Agency, Office of Pesticides and Toxic Substances, EPA 560/5-85-024, June 1985); and

(b) DEP 7034, Asbestos Contractor Certification Application (February 2023).

(2)

(a) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division for Air Quality, 300 Sower Boulevard, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(b) Copies of Appendix M to "Guidance for Controlling Asbestos-Containing Materials in Buildings" are available for sale from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

REBECCA W. GOODMAN, Secretary

APPROVED BY AGENCY: March 14, 2023

FILED WITH LRC: March 15, 2023 at 10:00 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A virtual public hearing on this administrative regulation amendment will be held on May 24, 2023, at 10:00 a.m. (Eastern Time). The public hearing can be accessed at the following website address: <https://us02web.zoom.us/j/84744885330>; meeting ID: 980 691 4504 and can be accessed by phone: +1 (309)205-3325 using access code 042759#. Please note that registration is required to participate in this hearing. You must either email your name and mailing address to Christian.Ewing@ky.gov or mail this information to Chris Ewing, Division for Air Quality, 300 Sower Building, 2nd Floor, Frankfort, Kentucky 40601. Please put "Requirements for Asbestos Abatement Entities Public Hearing" as the subject line, and state in the body of the message if you plan to speak during the hearing. If no one registers to speak by May 16, 2023, then the hearing will be cancelled. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until May 31, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation amendment to the contact person.

CONTACT PERSON: Chris Ewing, Environmental Scientist, Division for Air Quality, 300 Sower Boulevard, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 782-6604, fax (502) 564-4245, email Christian.Ewing@ky.gov.