

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MINNESOTA STATE REGULATIONS

Notice of filing by the Commissioner of Administration

We have received on this date, stamped and filed 2 copies of Rules and Regulations pertaining to the Pollution Control Agency
(Agency or Board)

Regulation No. APC 18 - New

Subject: Emission Stds. for Inorganic Fibrous Materials

Department of Administration
Publication, Central Services Division
Documents Section
140 Centennial Office Building
St. Paul, Minnesota 55155
Telephone: (612) 296-2874

FILED
RICHARD L. BRUBACHER
Commissioner of Administration

MAR 18 1974

BY Edna Staudenmaier
AUTH. SIGNATURE 3 pm.

Stamped and filed with the Secretary of State March 18-1974

Rev. 9-72

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE

MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Adoption of Minnesota Air Pollution Control Regulation APC 18 Relating to the Use of Inorganic Fibrous Materials

FINDINGS OF FACT

The above-entitled matter came on for hearing before the Minnesota Pollution Control Agency on the 6th day of December, 1972, at 9:00 a.m. in the Board Room of the State Board of Health Building, Minneapolis, Minnesota, after proper notice required by Minnesota Statutes §15.0412 (1971) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording all interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings, herein, this Agency finds the following:

1. The Findings of Fact adopted by this Agency on June 12, 1973, when the Agency adopted APC 17, entitled Emission Standards for Asbestos, are hereby adopted as part of the Findings of Fact for APC 18. The Findings of Fact for APC 17 are attached hereto as Exhibit A and incorporated herein by this reference.

2. Recent studies have shown that exposure to fibrous materials in the respirable range may cause adverse health effects, including mesothelioma. The carcinogenicity of glass fibers,

glass wool, rock wool, and aluminum oxide fibers has been documented and related to the structural shape of these materials rather than to their physiochemical properties.

3. Asbestos and non-asbestos materials are presently regulated by Minnesota Regulation APC 6, which requires the application of all reasonable measure to prevent particulate matter from becoming air-borne during the construction or demolition of a building and the prevention of avoidable amounts of particulate matter from becoming air-borne during handling and use of any material.

4. The City of New York and the State of Illinois require certain housekeeping procedures to be followed when spraying non-asbestos materials.

5. The housekeeping procedures in APC 18 for spraying inorganic fibrous materials are reasonable and practical.

DATED this 26th day of February, 1974.

MINNESOTA POLLUTION CONTROL AGENCY

Harold D. Field, Jr.
Chairman

Grant J. Merritt
Executive Director

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE

MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Adoption of Proposed Minnesota Air Pollution Control Regulation APC 17 Relating to the Use of Asbestos

FINDINGS OF FACT

The above-entitled matter came on for hearing before the Minnesota Pollution Control Agency on the 6th day of December, 1972, at 9:00 a.m. in the Board Room of the State Board of Health Building, Minneapolis, Minnesota, after proper notice required by Minnesota Statute § 15.0412 (1971) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording all interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, this Agency finds the following:

1. Asbestos is a general term used for six naturally occurring hydrated fibrous mineral silicates -- actinolite, amosite, anthrophyllite, chrysolite, crocidolite, and tremolite. Of these, chrysolite has most wide-spread use, especially in spraying operations. Asbestos has the form of inorganic, rod-like fibers when crushed. The length of these fibers is often less than 1.0 micron (10^{-6} meters) in size and less than 0.1 micron in diameter, with an "aerodynamic" diameter in the sub-micron range. Concentrations in ambient urban air are in the range of 0.01 to

EXHIBIT A

0.1 micrograms per cubic meter but are much higher near emission sources. Because of their small size, the number of particles is extremely high -- as much as 100 million small asbestos fibrils in a cubic meter. Asbestos constitutes a particulate air pollutant generated when the fibers become airborne. Since asbestos particles have an aerodynamic size in the sub-micron range, they are respired by humans and deposited with high efficiency in the deepest (alveolar) regions of the lung. The large numbers of respired particles, their long half-life (up to 90 days), and their abrasive nature render asbestos particles a serious health hazard.

2. The inhalation of asbestos particles has been clearly related to a number of serious diseases in asbestos workers. Among these is asbestosis, which has been related to occupational exposures and is characterized by interstitial fibrosis (increased fibrous tissue growth) and fibrosis and calcification of the pleura (lung lining). While it is presently thought by many that the development of clinically significant asbestosis requires exposure to asbestos concentrations much larger than those commonly found in the outside atmosphere, there is a significant risk of bronchogenic carcinoma (cancer of the bronchial-lining region) and mesothelioma, a fatal malignant tumor of the pleura (lung cancer) and of the peritoneum, to industrial asbestos workers. In addition, there has been a definite increase in deaths among asbestos workers.

3. Recent investigations have shown the wide-spread existence of asbestos deposits called "asbestos bodies" in the lungs of urban dwellers. Several studies show cases of pleural calcification and mesothelioma of the pleura and peritoneum in the general population indirectly exposed to asbestos. Such people would be those

living or traveling near asbestos manufacturing operations, construction sites, and demolition sites.

4. Asbestos is presently regulated by Minnesota Regulation APC 6, which requires the application of all reasonable measures to prevent particulate matter from becoming air-borne during the construction or demolition of a building and the prevention of avoidable amounts of particulate matter from becoming air-borne during handling and use of any material. The United States Department of Labor, pursuant to its authority under the Occupational Safety and Health Act (OSHA), adopted an occupational standard for exposure to asbestos of five fibers per cubic centimeter of fibers longer than five microns, when averaged over an eight-hour time period (37 Fed. Reg. 1320 § 1910.93a (1972)).

5. The Cities of New York, Chicago, Philadelphia, and Boston and the State of Illinois prohibit the spraying of asbestos-containing materials at construction sites.

6. Adequate substitutes for asbestos-containing spray materials do exist.

7. The Minnesota Legislature has banned the spraying of products containing powdered asbestos for purposes of constructing, remodeling or improving any building structure if asbestos dust will eminate (sic). (Minn. Laws 1973, ch. 742). This Act is effective August 1.

8. The United States Environmental Protection Agency has promulgated emission standards for certain asbestos manufacturing operations, for spraying of asbestos, and for demolition of certain buildings containing asbestos material. This regulation is effective on July 4, 1973. 38 Fed. Reg. 8820-8830 (1973). The

states are permitted to adopt more stringent regulations. 38 Fed. Reg. 8829 § 61.16 (1973).

9. APC 17 is more stringent and more encompassing than Minn. Laws 1973, ch. 742, and the EPA asbestos regulation.

Dated this 14th day of June, 1973.

MINNESOTA POLLUTION CONTROL AGENCY

Harold D. Field, Jr.

HAROLD D. FIELD, Jr.
Chairman

Grant J. Merritt

GRANT J. MERRITT
Executive Director

As Adopted

APC 18 EMISSION STANDARDS FOR INORGANIC FIBROUS MATERIALS

(a) Definitions: The following definitions of words and phrases are controlling for purposes of this regulation:

(1) "Inorganic fibrous material" means glass fibers, glass wool, rock wool, and aluminum oxide fibers having a length-to-diameter ratio of equal to or greater than three to one.

(2) "Spraying" means an operation in which material is conveyed in the form of, or by the means of, a fluid stream from an application device to a receiving surface.

(b) Spraying of Inorganic Fibrous Materials.

The spraying on any portion of a building or structure open to the outdoor atmosphere of any acoustical insulating, thermal insulating, or fireproofing product which does not contain asbestos but which contains inorganic fibrous material shall occur only under the following procedures:

(1) The entire floor area where the spraying is to occur shall be enclosed with plastic-coated tarpaulins or by other means in a manner which shall prevent the escape of sprayed material from the enclosure. All interior areas, such as elevator shafts and stairwells, shall be enclosed in a manner which shall prevent the escape of sprayed material from the working area.

(2) The entire area in which spraying has occurred, including all ledges, surfaces, equipment, and protective tarpaulins within the enclosure, shall be thoroughly cleaned by means of scraping, sweeping vacuuming, or other acceptable methods upon completion of the spraying operation and before the enclosure is dismantled; provided, however, that all such cleaning procedures shall be followed by thorough vacuuming. The collected material shall be placed in a sealed container or bag strong enough to resist breaking and tearing under normal handling conditions and shall be transported directly to a disposal site approved by the Director.

(3) All areas for opening containers of the material to be sprayed and for loading the material to be sprayed into hoppers, or other containers shall be enclosed in a manner which shall prevent the escape of the material to be sprayed to the outdoor atmosphere.

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
MAR 18 1974
BY Edna Stenderman
AUTH. SIGNATURE
3pm

APPROVED AS TO FORM AND LEGALITY
March 18 1974
WARREN SPANNAUS, ATTORNEY GENERAL
BY Michael B Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 18 1974 - 2:45 pm
Arlen I. Erdahl
Secretary of State

STATE OF MINNESOTA

COUNTY OF HENNEPIN

POLLUTION CONTROL AGENCY

In the Matter of the Adoption of Proposed Minnesota Regulation APC-17 Relating to the Use of Asbestos Materials

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held pursuant to Minnesota Statutes 1971, section 15.0412 and Chapters 115 - 116, in the above entitled matter in the City of Minneapolis, Minnesota in the board room of the State Department of Health Building (717 Delaware Street S.E.) on Wednesday, December 6, 1972, commencing at 9:00 A.M., and continuing until all persons, representatives, organizations or other interested parties have had an opportunity to be heard concerning the adoption of the proposed regulation captioned above, by submitting oral or written data, statements, comment, or argument. Statements or briefs may be submitted in writing without the necessity for appearance at the hearing.

The Agency proposes to adopt a regulation governing the use of asbestos and similar materials. The regulation will cover the following subject matters:

1. Emissions regulations for manufacturing operations involving asbestos-containing materials.
2. Prohibition of spraying asbestos-containing materials for fireproofing, thermal insulation, and acoustical insulation on buildings and structures.
3. Housekeeping procedures and emissions regulations for spraying non-asbestos fireproofing, thermal insulation, and acoustical insulation materials on buildings and structures.
4. Procedures for demolition of buildings or structures containing asbestos.

Copies of the proposed regulation are available from the Division of Air Quality, Minnesota Pollution Control Agency (717 Delaware Street S.E., Minneapolis, Minnesota 55440). Additional copies will be available at the hearing. This regulation is a proposal only and is subject to alteration or modification, as the Agency deems necessary and approporiate based upon the evidence adduced at the public hearing and Agency consideration thereof.

STATE OF MINNESOTA
Pollution Control Agency

By Grant J. Merritt

GRANT J. MERRITT
Executive Director

DATED: October 31, 1972

STATE OF MINNESOTA

COUNTY OF HENNEPIN

POLLUTION CONTROL AGENCY

In the Matter of the Adoption
of Proposed Minnesota Regulation
APC-17 Relating to the Use of
Asbestos Materials

AFFIDAVIT
OF MAILING

RUTH M. GROSS, first being duly sworn on oath, deposes and says that:

1. I am a full-time employee of the Minnesota Pollution Control Agency.

2. On or about November 1, 1972, and prior to November 6, 1972, I served the attached Notice of Hearing upon each of the individuals and organizations named in the Secretary of State's mailing list that existed at that time and upon each of the individuals and organizations named in the general mailing list of the Minnesota Pollution Control Agency that existed at that time, by depositing in the United States mail, with postage prepaid, envelopes containing a true and correct copy of the said Notice addressed to each of the names and addresses contained in the lists.

Ruth M. Gross
RUTH M. GROSS

Subscribed and sworn to before
me this 11th day of June, 1973,
at Minneapolis, Minnesota

Lila Holmdahl
Notary Public

LILA HOLMDAHL
Notary Public, Hennepin County, Minn.
My Commission Expires Oct. 31, 1976

STATE OF MINNESOTA

COUNTY OF HENNEPIN

POLLUTION CONTROL AGENCY

In the Matter of the Adoption of Proposed Minnesota Regulation APC-17 Relating to the Use of Asbestos Materials

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held pursuant to Minnesota Statutes 1971, section 15.0412 and Chapters 115 - 116, in the above entitled matter in the City of Minneapolis, Minnesota in the board room of the State Department of Health Building (717 Delaware Street S.E.) on Wednesday, December 6, 1972, commencing at 9:00 A.M., and continuing until all persons, representatives, organizations or other interested parties have had an opportunity to be heard concerning the adoption of the proposed regulation captioned above, by submitting oral or written data, statements, comment, or argument. Statements or briefs may be submitted in writing without the necessity for appearance at the hearing.

The Agency proposes to adopt a regulation governing the use of asbestos and similar materials. The regulation will cover the following subject matters:

1. Emissions regulations for manufacturing operations involving asbestos-containing materials.
2. Prohibition of spraying asbestos-containing materials for fireproofing, thermal insulation, and acoustical insulation on buildings and structures.
3. Housekeeping procedures and emissions regulations for spraying non-asbestos fireproofing, thermal insulation, and acoustical insulation materials on buildings and structures.
4. Procedures for demolition of buildings or structures containing asbestos.

Copies of the proposed regulation are available from the Division of Air Quality, Minnesota Pollution Control Agency (717 Delaware Street S.E., Minneapolis, Minnesota 55440). Additional copies will be available at the hearing. This regulation is a proposal only and is subject to alteration or modification, as the Agency deems necessary and approporiate based upon the evidence adduced at the public hearing and Agency consideration thereof.

STATE OF MINNESOTA
Pollution Control Agency

By Grant J. Merritt

GRANT J. MERRITT
Executive Director

DATED: October 31, 1972

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE

MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Adoption of Proposed Minnesota Air Pollution Control Regulation APC 17 Relating to the Use of Asbestos and Nonasbestos Materials

ORDER FOR HEARING

To effectively implement Minn. Stat. § 116.07, Subd. 4 (1971), the Minnesota Pollution Control Agency deems it necessary to consider adoption of the proposed rules captioned above pursuant to the authority vested in the Agency by Minn. Stat. § 116.07, Subd. 4 (1971).

NOW THEREFORE, IT IS ORDERED this 31st day of October, 1972, that a public hearing on the proposed rules captioned above be held in the Board Room of the State Department of Health Building, 717 Delaware Street, S.E., Minneapolis, Minnesota, on December 6, 1972, commencing at 9:00 a.m. and continuing until all persons, representatives, organizations or other interested parties have had an opportunity to be heard.

IT IS FURTHER ORDERED that notice of said hearing be given to all representatives of associations or other interested groups or persons who have registered their names with the Secretary of State for that purpose.

Dated this 31st day of October, 1972.

MINNESOTA POLLUTION CONTROL AGENCY

Grant J. Merritt
Executive Director

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, Grant J. Merritt, do hereby certify that I am the Executive Director of the Minnesota Pollution Control Agency, an agency duly authorized under the laws of the State of Minnesota, and that a resolution was adopted at the meeting of the Agency duly and properly called and held on the 16th day of October, 1972; that a quorum was present at said meeting; that the resolution was passed by a majority of those present; that the resolution is set forth in the minutes of said meeting and has not been rescinded or modified; that the resolution authorized the Minnesota Pollution Control Agency staff to call a public hearing for the purpose of promulgating rules regarding the control of emissions of asbestos and nonasbestos materials and to perform all acts necessary to the holding of said hearing.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 12th day of April, 1973.

Executive Director

Notary Public

LILA HOLMDAHL
Notary Public, Hennepin County, Minn.
My Commission Expires Oct. 31, 1976

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE

MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Adoption of Minnesota Air Pollution Control Regulation APC 18 Relating to the Use of Inorganic Fibrous Materials

STATEMENT OF NEED

The above-captioned regulation is a new regulation and is not an amendment to an existing rule or regulation.

The need to adopt the above-captioned regulation is expressed in the Statement of Need which the Minnesota Pollution Control Agency adopted on June 12, 1973, when the Agency adopted APC 17, entitled Emission Standards for Asbestos. That Statement of Need is attached hereto as Exhibit A and incorporated herein by this reference as part of the Statement of Need for APC 18. In addition, another reason for this regulation is the concern expressed by the public over the dissemination of all particulate matter from spraying at construction sites. In its report entitled "Hazards of Asbestos to Human Health," the Minnesota Public Interest Research Group called for the control of all emissions from the spraying of materials at construction sites.

DATED this 26th day of February, 1974.

MINNESOTA POLLUTION CONTROL AGENCY

Harold D. Field, Jr.
Vice-Chairman

Grant J. Merritt
Executive Director

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE

MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Adoption of Proposed Minnesota Air Pollution Control Regulation APC 17 Relating to the Use of Asbestos

STATEMENT OF NEED

The above-captioned regulation is a new regulation and is not an amendment to an existing rule or regulation.

The need to adopt the above-captioned regulation arises for the following reasons:

1. Asbestos is a hazardous air pollutant. On March 31, 1971, in 36 Federal Register (1971), pursuant to section 112 of the Clean Air Act of 1970 (P.L. 91-604), the Administrator of the United States Environmental Protection Agency promulgated a list of three hazardous air pollutants which in his judgment could cause, or contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness. One of these hazardous pollutants is asbestos.

2. The public has expressed a need for asbestos control. In the summer of 1972, the spraying of asbestos-containing fireproofing and insulating materials during construction of the University of Minnesota Health Sciences Building in Minneapolis focused significant attention on asbestos as an air contaminant. Emissions from this spraying were clearly visible and caused concern for the health of construction workers and pedestrians. The Minnesota Public Interest Research Group (MPIRG) took the lead in attempting to prohibit such spraying and in investigating

EXHIBIT A

the overall asbestos-pollution problem in Minnesota. MPIRG published a comprehensive report entitled "Hazards of Asbestos to Human Health" (August 8, 1972) and called for the adoption by the Minnesota Pollution Control Agency of regulations regarding the spraying of asbestos-containing materials and other activities involving the dispersion of asbestos fibers.

3. A more stringent and more encompassing regulation than the regulations and statutes which now exist is needed. The Environmental Protection Agency promulgated its asbestos regulation on April 6, 1973. 38 Fed. Reg. 8820-8830 (1973). The states are not precluded from adopting more stringent regulations. 38 Fed. Reg. 8829 § 61.16 (1973). Existing state law bans the spraying of products containing powdered asbestos for purposes of constructing, remodeling or improving any building structure if asbestos dust will eminate (sic). Minn. Laws 1973, ch. 742. The law does not regulate other uses of asbestos.

Dated this 12th day of June, 1973.

MINNESOTA POLLUTION CONTROL AGENCY

Harold D. Field, Jr.

HAROLD D. FIELD, Jr.
Chairman

GRANT J. MERRITT
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE

MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Adoption of Minneosta Air Pollution Control Regulation APC 18 Relating to the Use of Inorganic Fibrous Materials

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before the Minnesota Pollution Control Agency on the 6th day of December, 1972, at 9:00 a.m. in the Board Room of the State Board of Health Building, Minneapolis, Minnesota, after proper notice required by Minnesota Statutes §15.0412 (1971) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings, and applicable statutory standards or criteria, and having confirmed the need for the above captioned rules.

NOW, THEREFORE, IT IS ORDERED, that these rules identified as Minnesota Regulation APC 18 are adopted this 19th day of February, 1974, pursuant to authority vested in the Minnesota Pollution Control Agency by Minn. Stat. § 116.07, subd. 4 (1971).

MINNESOTA POLLUTION CONTROL AGENCY

Harold D. Field, Jr.
Vice-Chairman

Grant J. Merritt
Executive Director

RESOLUTION

RESOLVED, that the rules relating to Emission Standards for Inorganic Fibrous Materials be and they hereby are approved and adopted, pursuant to authority vested in the Minnesota Pollution Control Agency by Minn. Stat. § 116.07 subd. 4 (1971).

CERTIFICATE OF AGENCY'S

ADOPTION OF RULES RESOLUTION

I, Grant J. Merritt, do hereby certify that I am the Executive Director of the Minnesota Pollution Control Agency, an agency duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Agency duly and properly called and held on the 19th day of February, 1974; that a quorum was present at said meeting; that the resolution was passed by a majority of those present; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that the rules relating to Emission Standards for Inorganic Fibrous Materials be and they hereby are approved and adopted, pursuant to authority vested in the Minnesota Pollution Control Agency by Minn. Stat. § 116.07 subd. 4 (1971)."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 26th day of February, 1974.

Executive Director

Notary Public
Anoka County
My. April 23, 1976

STATEMENT OF COMPLIANCE

WITH RULE MAKING PROCEDURES

I, Special Assistant Attorney General Alan R. Mitchell, do hereby declare that I have examined the proposed rules entitled, "Emission Standards for Inorganic Fibrous Materials," and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Rule Making Procedures have been followed.

Dated: February 22, 1974.

Alan R. Mitchell

Alan R. Mitchell
Special Assistant
Attorney General

ASBESTOS

Mitchell

A P C - 17 --- EMISSION STANDARDS FOR ASBESTOS

DRAFT REGULATIONS

(a) Definitions

The following definitions of words and phrases are controlling for the purposes of this regulation:

(1) "Air flow permeability" means the volumetric rate of air flow in cfm, produced by a pressure decrease of 0.5 in. w.g. across a new, clean filtering fabric, divided by the area of the fabric in ft^2. Tests of air flow permeability must be performed as specified in ASTM Designation D737-69.

(2) "Asbestos" means any of six naturally occurring, hydrated mineral silicates: Actinolite, amosite, anthophyllite, chrysotile, crocidolite, and tremolite.

(3) "Commercial asbestos" means any variety of asbestos which is produced by the concentration of asbestos ore.

(4) "Local emission" means emission to the work space of a building or structure within which a manufacturing operation is carried on.

(5) "Local ventilation" means the capture, of particulate matter generated by a process, through the application of an air stream induced at the process and a device which encloses the process, partially encloses the process, or guides the capturing air flow at the process. The design and operation of ventilation devices must conform with ANSI Z9.2-1971, published by the American National Standards Institute.

(6) "Manufacturing operation" means the processing of commercial asbestos or the production of any product containing commercial asbestos, with the exception of any process, in a manufacturing operation, in which an asbestos-containing material is sprayed.

(7) "Particulate matter" means any material, other than uncombined water, which exists in a finely divided form as a liquid or solid.

(8) "Spraying" means any operation in which material is conveyed in the form of, or by the means of, a fluid stream from an application device to a receiving surface.

(9) "Visible emission" means any emission which is visually detectable.

(10) "Debris" means waste produced by the demolition of a building or structure.

(b) Emission Standards for Asbestos

(1) Emissions to the atmosphere from buildings, structures, facilities, or installations within which any manufacturing operation is carried on shall be limited as follows, with the exception of emissions from those processes which are excluded from compliance with this paragraph according to section (d).

(aa) Emissions, in direct forced gas streams, of particulate matter resulting from manufacturing operations, other than those excluded by section (d), shall not exceed the amounts which would be emitted if such forced exhausts were treated in fabric filter installations as described

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in subsection (c)(1) or, where approved by the Director because of special process conditions, in wet collectors as described in subsection (c)(3).

(bb) Emissions of particulate matter from any building or structure containing any manufacturing operation, other than those excluded by section (d), which does not utilize local exhaust ventilation and which generates visible local emissions shall not exceed the amounts which would be emitted if the air containing such local emissions were treated in fabric filter installations as described in subsection (c)(1) or, where approved by the Director because of special process conditions, in wet collectors as described in subsection (c)(3).

(cc) Visible emissions of particulate matter from any manufacturing operation, other than those excluded by section (d), located exterior to a building or structure are prohibited.

(2) The spraying of asbestos is limited as follows:

(aa) The spraying, on any portion of a building or structure, of any acoustical insulating, thermal insulating, or fireproofing product which contains one percent, or more, asbestos is prohibited.

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cleaned in such a manner that sprayed material cannot become air-borne by means of scraping, sweeping, vacuuming, or equivalent methods, upon completion of the spraying operation and immediately before the enclosure is dismantled, except that all such cleaning procedures shall be followed by thorough vacuuming. The collected material shall be placed in a sealed container strong enough to resist breaking or tearing under normal handling conditions and shall be transportated directly to a disposal site approved by the Director.

(ee) The cutting, trimming, fitting or stripping of such sprayed material in the construction, alteration or repair of a building or structure, which is done at the site of such building or structure in an area open to the atmosphere, shall be conducted within a special enclosure designed to prevent the escape of asbestos particulate matter from the immediate area of such enclosure.

(4) Where the risk of public exposure to asbestos particulate matter from the dislodging of asbestos-containing materials is present, no demolition of a building or structure shall be initiated unless all procedures necessary and practicable to reduce the emission of dust are taken.

(aa) Such procedures shall include, but not be limited to, the following:

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or structure;

(v) A statement of the procedures to be followed in preventing asbestos particulate matter from becoming airborne; and,

(vi) Any other items as specified by the Director.

(c) Referenced Equipment Specifications

Compliance with any applicable standard of this regulation which refers to a control equipment specification in this section shall be demonstrated in accordance with Section (e) if the referenced control equipment is not used.

Where an owner or operator deems that special process conditions do not permit the use of fabric filter installations for operations subject to subsections (b)(1)(aa), (b)(1)(bb) and (b)(2)(cc), application for approval to use wet collectors shall be made to the Director. Such application shall include sufficient information to demonstrate that fabric filters cannot be used.

(1) Fabric filter collection devices referred to in subsections (b)(1)(aa), (b)(1)(bb), and (b)(2)(cc) shall be operated at not more than 4 in. w.g. pressure decrease as measured across the filter fabric. No bypass devices are permitted. Such collection devices shall be equipped with either of the following classes of fabrics:

(aa) Woven fabrics which have an air flow permeability not exceeding 25 cfm/ft^2 and which, if constructed of synthetic materials, contain no fill yarn other than that which is spun.

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Draft Regulations
APC-17 --- EMISSION STANDARDS FOR ASBESTOS. Page #10.
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Draft Regulations

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tative of those of the existing or planned operating conditions.

(4) In cases for which it is not reasonable, in the judgment of the Director, to require an owner or operator, or vendor of emission control equipment, to submit performance data which are based upon actual operating conditions or conditions which are representative thereof, the owner or operator, or vendor of emission control equipment, shall submit to the Director performance data on comparative tests, using suitable standard test aerosols, of the substitute device and the device specified by the applicable standard. The performance data shall include, but not be limited to, the total mass collection efficiencies of the substitute device and the device specified by the applicable standard.

(5) The total mass collection efficiency of any substitute device for those specified by subsection (c)(1) shall not be less than 99.9 percent.

(6) The total mass collection efficiency of any substitute device for that specified by subsection (c)(3) shall not be less than 99.5 percent.

(f) Latest Dates of Compliance With Regulation

The latest dates of compliance with the sections of this regulation are:

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