DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Asbestos Abatement for Public and Private Schools and Commercial and Public Buildings in Illinois

2) Code Citation: 77 Ill. Adm. Code 855

3)

Section Number:	Proposed Action:
855.5	Amend
855.10	Amend
855.20	Amend
855.25	Amend
855.100	Amend
855.105	New
855.110	Amend
855.120	Amend
855.125	New
855.130	New
855.135	New
855.140	Amend
855.150	Amend
855.160	Amend
855.170	Amend
855.180	New
855.200	New
855.210	New
855.220	Amend
855.230	Repeal
855.240	Amend
855.250	New
855.260	New
855.270	New
855.280	New
855.290	New
855.300	Repeal
855.310	Repeal
855.325	Repeal
855.330	Repeal
855.340	New

855.350	Repeal
855.360	Amend
855.370	Amend
855.380	Amend
855.390	Amend
855.400	Amend
855.410	Amend
855.420	Amend
855.425	Amend
855.430	Amend
855.440	Amend
855.450	Amend
855.460	Amend
855.465	Amend
855.470	Amend
855.475	Amend
855.480	Amend
855.490	Repeal
855.500	Amend
855.510	Repeal
855.520	Amend
855.600	Amend
855.610	Amend
855.620	Amend
855.630	Amend
855.640	Amend
855.APPENDIX A.ILLUSTRATION A	Amend
855.APPENDIX B.ILLUSTRATION H	Amend
855.APPENDIX B.ILLUSTRATION J	New
855.APPENDIX C.ILLUSTRATION A	New

4) Statutory Authority: Implementing and authorized by the Asbestos Abatement Act [105 ILCS 105] and the Commercial and Public Building Asbestos Abatement Act [225 ILCS 207].

5) A Complete Description of the Subjects and Issues Involved: These rules will implement revisions to the Asbestos Abatement for Public and Private Schools and Commercial and Public Buildings in Illinois. The rules have been revised to implement Public Act 93-

894, which amended Commercial and Public Building Asbestos Abatement Act [225 ILCS 207] to require the Department to license asbestos consultants and to establish licensing requirements. The rules are being revised to require that commercial and public building asbestos abatement requirements are consistent with school asbestos abatement requirements.

Section 855.105 is being added to necessitate the licensing of Asbestos Consultants and define application procedures. Section 855.125 is being added to further qualify the responsibilities of Licensed Asbestos Inspectors. Section 855.130 is being added to further qualify the responsibilities of Asbestos Abatement Contractors. Section 855.135 is being added to further qualify the responsibilities of Asbestos Consultants. Section 855.180 is being added to further qualify the responsibilities of Air Sampling Professionals. Section 855.200 is being added to further qualify the responsibilities of Commercial and Public Building (CPB) Owners. Section 855.210 is being added to explain procedures for inspections of Commercial and Public Buildings.

Requirements in Section 855.230, Equipment and Waste Container Removal Procedures are being moved to section 855.460, Removal Procedures. New provisions in Section 855.250, Local Education Agency (LEA) and Designated Person Requirements, are being moved from Section 855.300, Local Education Agency (LEA) Requirements. New provisions in Section 855.260, Procedure for School Inspections and Reinspections, are being moved from section 855.310, Procedures for School Inspections and Reinspections.

A new Section 855.270, Management Plan, will replace Section 855.325, Management Plan, which is being repealed. A new Section 855.280, Operations and Maintenance, will replace Section 855.330, Operations and Maintenance, which is being repealed. New requirements in Section 855.290, Submissions and Notices for Abatement of Asbestos in Schools are being moved from Section 855.350, Submissions and Notices, which is being repealed.

Section 855.340 is being added to facilitate the procedures for whole tile removal. Section 855.490 is being repealed, as the Response Contractor Indemnification Fund no longer exists. Requirements in Section 855.510, Enclosure Procedures for Schools, are being included in Section 855.500, Encapsulation and Enclosure Procedures.

Section 855.APPENDIX B. ILLUSTRATION J is being added for LEA Designated Person responsibilities. Section 855. APPENDIX C is being added to illustrate the

electronic format for a Project Manager's Comprehensive Final Report. Two existing Appendices are being amended.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.

6) Published studies or reports, and sources of underlying data used to compose this rulemaking: No studies, reports or sources of underlying data were used to create the revisions to the rules.

7) Will this rulemaking replace any emergency rulemaking currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? Yes

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield, Illinois 62761
217/782-2043
e-mail: dph.rules@illinois.gov

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Asbestos professionals, commercial and public building owners, and public and private schools.

B) Reporting, bookkeeping or other procedures required for compliance: The asbestos professional will still comply with licensing requirements as set forth in the rules.

C) Types of professional skills necessary for compliance: The asbestos professional will be required to be educated in asbestos abatement.

14) Regulatory Agenda on which this rulemaking was summarized: January 2012

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER p: HAZARDOUS AND POISONOUS SUBSTANCE

PART 855
ASBESTOS ABATEMENT FOR PUBLIC AND PRIVATE SCHOOLS AND COMMERCIAL AND PUBLIC BUILDINGS IN ILLINOIS

SUBPART A: GENERAL PROVISIONS

Section
855.5 Applicability
855.10 Incorporated and Referenced Materials ~~Incorporation by Reference-Federal Regulations and Other Standards~~
855.20 Definitions
855.25 Alternative Procedures and Variances

SUBPART B: LICENSURE AND TRAINING COURSE APPROVAL

Section
855.100 License Requirements
855.105 Asbestos Consultant Licensing
855.110 Asbestos Abatement Contractor Licensing
855.120 Training Course Approval and Accreditation

SUBPART C: RESPONSIBILITIES OF LICENSED PERSONS

Section
855.125 Asbestos Inspector Responsibilities
855.130 Asbestos Abatement Contractor Responsibilities
855.135 Asbestos Consultant Responsibilities
855.140 Supervisor Responsibilities
855.150 Project Designer Responsibilities
855.160 Management Planner Responsibilities
855.170 Project Manager Responsibilities~~, Air Sampling Professional Responsibilities and Laboratory Services~~
855.180 Air Sampling Professional Responsibilities

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SUBPART D: COMMERCIAL AND PUBLIC BUILDING OWNER RESPONSIBILITIES, LOCAL EDUCATION AGENCY RESPONSIBILITIES AND NOTIFICATION REQUIREMENTS ~~GENERAL ABATEMENT REQUIREMENTS FOR COMMERCIAL AND PUBLIC BUILDINGS~~

Section

855.200 Commercial and Public Building (CPB) Owner Responsibilities
855.210 Procedures for Inspections of Commercial and Public Buildings
855.220 Submissions and Notice ~~Notification and Procedures~~ for Abatement of Asbestos in Commercial and Public Buildings
855.230 Equipment and Waste Container Removal Procedures (Repealed)
855.240 Procedures for Abatement of Asbestos in Schools and Commercial and Public Buildings ~~Reestablishment of the Work Area and HVAC Systems in Commercial and Public Buildings~~
855.250 Local Education Agency (LEA) and Designated Person Requirements
855.260 Procedure for School Inspections and Reinspections
855.270 Management Plan
855.280 Operations and Maintenance
855.290 Submissions and Notices for Abatement of Asbestos in Schools

SUBPART E: ~~LOCAL EDUCATIONAL AGENCY RESPONSIBILITIES AND~~ STANDARDS FOR ABATEMENT

Section

855.300 Local Education Agency (LEA) Requirements (Repealed)
855.310 Procedures for School Inspections and Reinspections (Repealed)
855.325 Management Plan (Repealed)
855.330 Operations and Maintenance (Repealed)
855.340 Whole Floor Tile Removal Procedures
855.350 Submissions and Notices (Repealed)
855.360 Demolition of a Commercial and Public ~~School~~ Building
855.370 Workplace Entry and Exit Procedures
855.380 Building Protection
855.390 Materials and Equipment
855.400 Work Area Preparation
855.410 Worker Decontamination Enclosure System
855.420 Remote Decontamination Enclosure System
855.425 Equipment Decontamination Enclosure System
855.430 Separation Barriers

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SUBPART F: FINES, PENALTIES, ADMINISTRATIVE HEARINGS AND EMERGENCY STOP WORK ORDERS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Authorized by and implementing the Asbestos Abatement Act [105 ILCS 105] and the Commercial and Public Building Asbestos Abatement Act [225 ILCS 207].

SOURCE: Adopted at 9 Ill. Reg. 19052, effective November 29, 1985; amended at 10 Ill. Reg. 14800, effective September 12, 1986; emergency amendments at 12 Ill. Reg. 4357, effective February 5, 1988, for a maximum of 150 days; emergency expired July 4, 1988; amended at 13 Ill. Reg. 2768, effective February 16, 1989; amended at 13 Ill. Reg. 17029, effective November 1, 1989; emergency amendments at 14 Ill. Reg. 335, effective January 1, 1990, for a maximum of 150 days; emergency expired May 30, 1990; amended at 14 Ill. Reg. 172, effective July 20, 1990; old Part repealed, new Part adopted at 23 Ill. Reg. 4010, effective March 12, 1999; amended at 37 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 855.5 Applicability

a) Subparts A, B, and C contain incorporated materials, definitions, variance procedures, requirements of licensure, training course approval provisions, and responsibilities of licensed persons. These three Subparts apply to asbestos abatement project activities in commercial and public buildings and schools, except as noted in specific Sections.

b) Subpart D and Appendices A and B of this Part contain local educational agency (LEA) and commercial or public building (CPB) owner responsibilities and ~~contains~~ notification requirements for ~~and work practices and controls applicable to~~ asbestos abatement project activities performed in commercial and public buildings and schools~~, except as specified in Subpart D, in accordance with the Commercial and Public Building Asbestos Abatement Act [225 ILCS 207] and federal requirements.~~

c) Subpart E contains ~~and Appendices A and B contain~~ requirements for ~~applicable to Local Educational Agencies, and planning and notification requirements, and~~ work practices and controls applicable to asbestos abatement project activities performed in public and private schools and commercial or public buildings, in accordance with the Asbestos Abatement Act [105 ILCS 105], the Commercial and Public Building Asbestos Abatement Act [225 ILCS 207], and federal requirements.

d) Subpart F contains provisions for the issuance of fines and penalties, procedures governing administrative hearings for violations of applicable laws or this Part, and provisions for stop work orders applicable to all asbestos abatement project activities performed in Illinois.

e) Notwithstanding any other provision of Part 855, the asbestos requirements established by the Code of Federal Regulations for USEPA and OSHA and incorporated by reference in Section 855.10(a) of this Part shall govern the repair, maintenance, and removal of nonfriable resilient floor covering materials and persons designing, planning, contracting, supervising, and ~~and/or~~ performing those ~~such~~ activities and related inspections. The notification requirements set forth in Sections 855.220(a) and (b) and the requirements of Section 855.340 ~~855.330(c)~~ shall apply to ~~such~~ removals as applicable.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 855.10 Incorporated and Referenced Materials ~~Incorporation by Reference Federal Regulations and Other Standards~~

~~The following regulations and standards are incorporated in this Part:~~

a) Federal regulations ~~Regulations and guidelines of federal agencies~~:

1) Occupational Safety and Health Administration (OSHA), Occupational Safety and Health Standards – Respiratory Protection; 29 CFR 1910.134 (December 12, 2008) ~~Occupational Safety and Health Administration, U.S. Department of Labor (OSHA), Occupational Safety and Health Standards - Asbestos; 29 CFR 1910.1001 (July 1, 1997).~~

~~2)~~ ~~OSHA, Occupational Safety and Health Standards - Respiratory Protection; 29 CFR 1910.134 (July 1, 1997).~~

2~~3~~) OSHA, Safety and Health Regulations for Construction– Asbestos; 29 CFR 1926.1101, Final Rule Effective (August, 24, 2006) ~~Environmental Protection Agency, National Emission Standards for Hazardous Air Pollutants; 40 CFR 61 Subpart A (General Provisions) and Subpart M (National Emission Standards for Asbestos) (July 1, 1997).~~

3~~4~~) USEPA, National Emission Standards for Hazardous Air Pollutants; 40

CFR 61 (July 1, 1997) ~~USEPA, Asbestos; 40 CFR 763 - 40 CFR 763 Final Rule Effective December 14, 1987.~~

~~5)~~ ~~OSHA, Safety and Health Regulations for Construction - Asbestos; 29 CFR 1926.1101, Final Rule Effective October 11, 1994.~~

~~4~~6) USEPA, Asbestos School Hazard Abatement Act; 40 CFR 763, Appendix C to Subpart E (Asbestos Model Accreditation Plan), revised (April 4, 1994)~~.~~

5) USEPA, Asbestos, Assessment; 40 CFR 763.88 (April 4, 1994)

6) USEPA, Asbestos, Response Actions; 40 CFR 763.90 (April 9, 2004)

7) USEPA, Asbestos, Inspections and Reinspections; 40 CFR 763.85 (April, 4, 1994)

8) USEPA, Asbestos, Management Plans; 40 CFR 763.93 (April 4, 1994)

9) USEPA, Asbestos, Operations and Maintenance; 40 CFR 763.91 (November 15, 2000)

10) OSHA, U.S. Department of Labor, Occupational Safety and Health Standards - Asbestos; 29 CFR 1910.1001 (July 1, 1997)

11) USEPA, Simplified Sampling Scheme for Friable Surfacing Materials; EPA 560/5-85-030a (October 1985)

~~7) Guidance for Controlling Asbestos-Containing Materials in Buildings, Appendix J, EPA Report No. 560/5-85-024 (1985).~~

~~8) U.S. Environmental Protection Agency, Electron Microscope Measurement of Airborne Asbestos Concentrations, Report No. 600/2-77-178 (1978).~~

~~9) U.S. Environmental Protection Agency, Methodology for the Measurement of Airborne Asbestos by Electron Microscopy, Contract No. 68-02-3266 (1984).~~

~~10) National Institute of Occupational Safety and Health, Certified NIOSH~~

~~Equipment List, Department of Health and Human Services Publication Number 92-101 (1991). Contract No. 68-02-3266 (1984).~~

b) Standards of nationally recognized organizations:

1) National Electrical Code, 2011~~1993~~ Ed., National Fire Protection Association, 1 Batterymarch Park, Quincy, Mass. 02169 ~~02269.~~

~~2) Compressed Gas Association Commodity Specification, G-7.1 (1966).~~

~~3) American National Standard Practices for Respiratory Protection, ANSI Z88.2 (1980).~~

~~4) American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, ANSI Z9.2 (1991).~~

2~~5~~) National Institute of Occupational Safety and Health (NOISH), Manual of Analytical Methods (Method 7400 - 1984), NOISH, 395 E Street, S.W., Suite 9200, Patriots Plaza Building, Washington, DC 20201~~.~~

c) Federal Statutes

1) Elementary and Secondary Education Act of 1965 [20 USC 3381]

2) Defense Dependents' Education Act of 1978 [20 USC 921]

3) Asbestos Hazard Emergency Response Act of 1986 (AHERA) [15 USC 2651]

4) Toxic Substance Control Act (TSCA), Title II; 15 USC 2643]

d) Illinois Statutes

1) Asbestos Abatement Act [105 ILCS 105]

2) Commercial and Public Building Asbestos Abatement Act [225 ILCS 207]

3) Uniform Partnership Act [805 ILCS 205]

4) Business Corporation Act of 1983 [805 ILCS 5]

5) Consumer Fraud and Deceptive Business Practice Act [815 ILCS 505]

6) Illinois Architecture Practice Act of 1989 [225 ILCS 305]

7) Illinois Professional Engineering Practice Act of 1989 [225 ILCS 325]

8) Structural Engineering Practice Act of 1989 [225 ILCS 340]

9) School Code [105 ILCS 5]

10) Industrial Hygienists Licensing Act [225 ILCS 52]

11) Administrative Review Law [735 ILCS 5/Art. III]

e) Illinois Administrative Rules

Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

fe) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any amendments or editions ~~additions or deletions~~ subsequent to the date specified.

~~d) All citations to federal regulations in this Part concern the specified regulation in the 1997 Code of Federal Regulations, unless another date is specified.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 855.20 Definitions

"Abatement" means removal, encapsulation, enclosure and repair of asbestos-containing building materials (ACBM).

"Aggressive Sampling" means a method of sampling in which the person collecting the air sample creates activity during the sampling period to stir up settled dust and simulate the activity of that area of the building.

~~"AHERA" means the Federal Asbestos Hazard Emergency Response Act, 40~~

~~CFR Part 763, Subpart E.~~

"Air Sampling" means the process of measuring the fiber content of a known volume of air collected during a specific period of time.

"Air Sampling Professional" means the professional contracted or employed by the building owner, independent of the asbestos abatement contractor, to conduct air sampling.

"Airlock" means a system for permitting entrance and exit with minimum air movement between a contaminated area and an uncontaminated area, consisting of two curtained doorways separated by a distance of at least 3 feet so ~~such~~ that a person ~~one~~ passes through one doorway into the airlock, allowing the doorway sheeting to overlap and close off the opening before proceeding through the second doorway, thereby preventing flow-through contamination.

"Amended Water" means water to which a surfactant has been added to improve penetration and reduce fiber release.

~~"ANSI" means the American National Standards Institute, 1430 Broadway, New York, New York 10018.~~

"Area Air Sampling" means any form of air sampling or monitoring where the sampling device is placed at some stationary location.

"Asbestos" means the abestiform varieties of chrysotile, amosite, crocidolite, tremolite, anthrophyllite, and actinolite. (Section 15 of the Commercial and Public Building Asbestos Abatement Act and Section 3 of the Asbestos Abatement Act)

"Asbestos Abatement Contractor" means any entity that provides removal, enclosure, or encapsulation, or disposal of asbestos containing materials. (Section 15 of the Commercial and Public Building Asbestos Abatement Act)

“Asbestos Consultant” means a person offering expert or professional advice as an asbestos professional or designated person. (Section 15 of the Commercial and Public Building Asbestos Abatement Act)

"Asbestos Containing Building Materials" or "ACBM" means surfacing asbestos

containing material or ACM, thermal system insulation ACM or miscellaneous ACM that is found in or on interior structural members or other parts of a school building or a commercial or public building. (Section 15 of the Commercial and Public Building Asbestos Abatement Act and Section 3 of the Asbestos Abatement Act)

"Asbestos debris" means pieces of ACBM that can be identified by color, texture, or composition, or means dust, if dust is determined by an asbestos inspector to be ACM.

"Asbestos Inspector" means an individual licensed by the Department to perform inspections of schools or commercial or public buildings for the presence of asbestos containing materials. (Section 3(w) of the Asbestos Abatement Act)

"Asbestos Materials" means any material or product that contains more than 1% asbestos. (Section 15 of the Commercial and Public Building Asbestos Abatement Act)

"Asbestos Supervisor" means a licensed asbestos abatement contractor, foreman, or person designated as the asbestos abatement contractor's representative who is responsible for the onsite supervision of the removal, encapsulation, or enclosure of friable or nonfriable asbestos-containing materials in a commercial or public building. (Section 15 of the Commercial and Public Building Asbestos Abatement Act)

"Asbestos Worker" means an individual who cleans, removes, encapsulates, encloses, hauls, or disposes of friable asbestos material ~~materials~~. (Section 15 of the Commercial and Public Building Asbestos Abatement Act)

"Asbestos-Containing Waste Material" means any ~~asbestos-containing~~ material that is or is suspected of being ~~asbestos-~~contaminated with asbestos ~~objects requiring disposal pursuant to Section 855.475~~.

"Asbestos Professional" means an individual who is licensed by the Department to perform the duties of an inspector, management planner, project designer, project supervisor, project manager, or air sampling professional, as applicable, except project supervisors under the direct employ of a licensed asbestos abatement contractor. (Section 15 of the Commercial and Public Building Asbestos Abatement Act)

~~"ASTM" means the American Society For Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.~~

"Authorized Visitor" means the building owner, or a person designated by the building owner, and any representative of a regulatory or other agency having jurisdiction over the project.

"Authorizing Acts" means the Asbestos Abatement Act and the Commercial and Public Building Asbestos Abatement Act.

"Background Level Monitoring" means a method used to determine airborne fiber concentrations inside and outside the work area prior to starting an asbestos abatement project.

"Building/Facility Owner" is the legal entity, including a lessee, that exercises control over management and record keeping functions relating to a building or facility in which activities covered by this Part *take place.* (Section 15 of the Commercial and Public Building Asbestos Abatement Act) ~~"Building owner" means the person in whom legal title to the premises is vested unless the premises are held in land trust, in which instance the building owner means the person in whom beneficial title is vested.~~

"Certified Industrial Hygienist" or "CIH" ~~(C.I.H.)"~~ means an industrial hygienist certified by the American Board of Industrial Hygiene.

"Clean Room" means an uncontaminated area or room that ~~which~~ is a part of the worker decontamination enclosure with provisions for storage of workers' street clothes and protective equipment.

"Clearance Air Monitoring" means the employment of aggressive sampling techniques with a volume of air collected to determine the airborne concentration of residual fibers upon conclusion of an asbestos abatement project.

"Commercial or Public Building" or "CPB" *means the interior space of any building, except that the term does not include any residential apartment building of fewer than 10 units or detached single family homes. The term includes, but is not limited to: industrial and office buildings, residential apartment buildings and condominiums of 10 or more dwelling units, government-owned buildings, colleges, museums, airports, hospitals, churches, schools, preschools, stores, warehouses, and factories. Interior space includes exterior hallways connecting*

buildings, porticos, and mechanical systems used to condition interior space. (Section 15 of the Commercial and Public Building Asbestos Abatement Act)

"Contained Area" means an enclosed work area in a building where negative air pressure and high efficiency particulate air (HEPA) filtration are used to contain airborne asbestos fibers during removal, enclosure or encapsulation of ACBM during an asbestos abatement project.

"Covered Exterior Hallway or Walkway" means a covered area of any exterior corridor, exterior passageway, exterior pathway, exterior entrance, and exterior vestibule into a building, including porches and entrance rooms. The term includes all building materials located in the covered area exposed to building occupants while entering and exiting the building.

"Critical Barrier" means one or more layers of plastic sealed over all openings into a work area or any other similarly placed physical barrier sufficient to prevent airborne asbestos in a work area from migrating to an adjacent area.

"Curtained Doorway" means a device that ~~which~~ consists of at least three overlapping sheets of plastic over an existing or temporarily framed doorway. One sheet shall be secured at the top and left side, the second sheet at the top and right side, and the third sheet at the top and left side. All sheets shall have weights attached to the bottom to ensure ~~insure~~ that the sheets hang straight and maintain a seal over the doorway when not in use.

"Decontamination Enclosure System" means a series of connected rooms, separated from each other by airlocks ~~air locks~~, used for the decontamination of workers, materials and equipment.

"Demolition" means to raze an existing school building or commercial and public building as defined in this Part, so that no part of the building remains.

"Deny" means to refuse the issuance of a license to an applicant or licensee as determined by the Department.

"Department" or "IDPH" means the Illinois Department of Public Health.

"Designated Person" means a person designated by the local education agency, as defined by the Asbestos Abatement Act, to ensure that the management plan

has been properly implemented. (Section 15 of the Commercial and Public Building Asbestos Abatement Act)

"Emergency Abatement Operations" means an asbestos abatement 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 includes operations necessitated by nonroutine failure of equipment.

"Encapsulant (sealant)" means a liquid material that ~~which~~ can be applied to asbestos-containing building material and that ~~which~~ temporarily controls the possible release of asbestos fibers from the material, either by creating a membrane over the surface (bridging encapsulant) or by penetrating into the material and binding its components together (penetrating encapsulant).

"Encapsulation" means the treatment of ACBM with a material that surrounds or embeds asbestos fibers in an adhesive matrix that prevents the release of fibers as the encapsulant creates a membrane over the surfaces (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant). (Section 15 of the Commercial and Public Building Asbestos Abatement Act and Section 3 of the Asbestos Abatement Act)

"Enclosure" means the construction of airtight, impervious, permanent walls and ceilings between the asbestos containing material and the educational facility or building environment, or around surfaces coated with asbestos containing materials, or any other appropriate scientific procedure as determined by the Department that prevents the release of asbestos. (Section 3(k) of the Asbestos Abatement Act)

"Equipment Decontamination Enclosure" means that portion of a decontamination enclosure system designed for the controlled transfer of materials and equipment, consisting of a wash room and a holding area.

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

"Fixed Object" means a unit of equipment or furniture in the work area that ~~which~~ cannot be removed from the work area.

"Floor tile supervisor" means a person designated as the competent person for a nonfriable floor tile project or a person who has an IDPH supervisor license.

"Floor tile worker" means an individual who has received~~,~~ at least~~,~~ eight ~~8~~ hours of floor tile training and is involved with the removal of nonfriable ~~non-friable~~ floor tile.

"Friable" when referring to material in a school building or a commercial or public building means that the material, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure, and includes previously nonfriable materials after such previously nonfriable material becomes damaged to the extent that, when dry, it may be crumbled, pulverized, or reduced to powder by hand pressure. (Section 3(g) of the Asbestos Abatement and Section 15 of the Commercial and Public Building Asbestos Abatement Act) The term includes nonfriable asbestos-containing materials that ~~which~~ will be subjected to sanding, grinding, cutting, abrading, drilling, chipping, pulverizing~~,~~ or other procedures likely to reduce these materials to a powder or cause asbestos fibers to become airborne. ~~(Section 3(g) of the Asbestos Abatement Act)~~

"Glovebag" means a manufactured device consisting of a plastic bag (constructed of 6-mil ~~six-mil~~ transparent plastic or equivalent), two inward-projecting long-sleeved ~~longsleeve~~ rubber gloves, one inward-projecting waterwand sleeve, an internal tool pouch~~,~~ and an attached, labeled receptacle for asbestos waste. The glovebag is constructed and installed so ~~in such a manner~~ that it surrounds the object or area to be decontaminated and contains all asbestos fibers released during the removal process.

"Glovebag Procedure ~~Technique~~" means a method for removing friable asbestos-containing building material from heating, ventilation, and air conditioning (HVAC) ducts, short piping runs, valves, joints, elbows, and other nonplanar surfaces.

~~"HEPA" means high efficiency particulate air.~~

"HEPA Filter" means a high efficiency particulate air filter capable of trapping and retaining 99.97 percent of particles (asbestos fibers) greater than 0.3 microns. ~~micro meters in mass median aerodynamic equivalent diameter, with an efficiency designation of 100 under NIOSH, 42 CFR 84, Respiratory Protective~~

~~Devices.~~

"HEPA Vacuum Equipment" means vacuuming equipment with a high efficiency particulate air filter system.

"Holding Area" means an area in the equipment decontamination enclosure located between the wash room and an uncontaminated area.

"Homogeneous Area" means an area of surfacing material, thermal system insulation material, or miscellaneous material that is uniform in color, texture and date of application. ~~substance that is uniform in structure and composition throughout which comprises a unique sample area (e.g., boiler insulation is a separate sample area, pipe joint insulation is a separate sample area, corrugated pipe insulation is a separate sample area).~~

"Industrial Building" means those portions of a building (such as a factory or warehouse) primarily used in manufacturing or technically productive enterprises, not generally or typically accessible to the public (persons other than workers), and used primarily in the production of power, the manufacture of products, the mining of raw materials, and/or the storage of ~~such~~ products or raw materials.

"Inspection" means an activity undertaken in a public or commercial building to determine the presence or location, or to assess the condition of, friable or nonfriable asbestos containing building material (ACBM) or suspected ACBM, whether by visual or physical examination, or by collecting samples of such material. (Section 15 of the Commercial and Public Building Asbestos Abatement Act)

"Local Educational Agency" or "LEA" ~~*or "LEA"*~~ *means:*

> *Any local education agency as defined in Section 198 of the Elementary and Secondary Education Act of 1965 (20 USC 3381).*
>
> *The owner of any nonpublic, nonprofit elementary or secondary school building.*
>
> *The governing authority of any school operated under the defense dependents' education system provided for under the Defense* Dependents' ~~*Department's*~~ *Education Act of 1978 (20 USC 921, et seq.).* (Section

DEPARTMENT OF PUBLIC HEALTH

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3(d)(1), (2), and (3) of the Asbestos Abatement Act)

"Management Plan" means a plan developed for a local educational agency or commercial or public building owner *for the management of asbestos in its school buildings* or commercial or public buildings *pursuant to the federal Asbestos Hazard Emergency Response Act of 1986* (15 USC 2601) ~~*[15 USC Section 2601 et seq.]*~~ *and the regulations promulgated thereunder.* (Section 3(t) of the Asbestos Abatement Act)

"Management Planner" means an individual licensed by the Department to prepare management plans. (Section 3(u) of the Asbestos Abatement Act)

"Mini-Containment Area" means a contained area in which glovebag procedures are conducted.

"Miscellaneous material" means building material on structural components, structural members or fixtures, such as floor and ceiling tiles, and does not include surfacing materials or thermal system insulation.

"Movable Object" means a unit of equipment or furniture in the work area that ~~which~~ can be removed from the work area.

"Negative Air Pressure Equipment" means a portable local exhaust system equipped with HEPA filtration. The system shall be capable of maintaining a constant~~,~~ low-velocity airflow from contaminated areas into adjacent uncontaminated areas, creating a negative pressure differential between the outside and inside of the work area.

~~"NESHAP" means the National Emission Standards for Hazardous Air Pollutants (40 CFR Part 61).~~

~~"NIOSH" means the National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention (CDC) - NIOSH, Building J N.E., Room 3007, Atlanta, GA 30333.~~

"Nonfriable" means material in a school building or commercial or public building which, when dry, may not be crumbled, pulverized, or reduced to powder by hand pressure. ~~Nonfriable" means material in a school building or commercial or public building which, when dry, may not be crumbled, pulverized, or reduced~~

~~to powder by hand pressure.~~ (Section 3(s) of the Asbestos Abatement Act and Section 15 of the Commercial and Public Building Asbestos Abatement Act)

"Operations and Maintenance" means a program of work practices to maintain friable and nonfriable ACBM in good condition, ensure cleanup ~~clean up~~ of asbestos fibers previously released, and prevent further release by minimizing and controlling friable ACBM disturbance or damage.

~~"OSHA" means the Occupational Safety and Health Administration, 200 Constitution Avenue, Washington, DC 20210.~~

"Outside Air" means the air outside the contained ~~work~~ area.

"Person" means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, ~~"Person" means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name,~~ asbestos professional, asbestos worker, public school district, private school *or any other entity* ~~or any other entity~~. (Section 15 of the Commercial and Public Asbestos Abatement Act)

"Personal Air Monitoring" means a method used to determine employees' exposure to airborne fibers. The sample is collected outside the respirator in the worker's breathing zone. This form of sampling is required by the OSHA asbestos standards (29 CFR 1910.1001 and 1926.1101).

~~"Plasticize" means to cover floors and walls with plastic sheeting as herein specified or by using spray plastics (as permitted by the Department through a variance request).~~

"Portico" means a covered area leading to the entrance of a building, which is greater than or equal to 3 linear feet in depth, including covered entrances that are a part of the mass of the building. The term includes all building materials located in the covered area exposed to building occupants while entering and exiting the building.

"Project" means removal, encapsulation, enclosure or repair of more than three ~~3~~ linear feet or 3 square feet of ACBM or suspected ACBM ~~asbestos-containing building materials~~.

"Project Activities" means activities taking place when the asbestos abatement contractor or a designee and the asbestos abatement contractor's supplies and equipment for asbestos abatement are present at the abatement site.

"Project Design" means the preparation of documents relating to the asbestos project, which may include, but are not limited to, plans, drawings, and specifications that recommend or establish the scope of work; ~~,~~ standards of workmanship; ~~,~~ equipment specifications or use ~~utilization;~~ ~~,~~ construction standards or specifications; ~~,~~ alternative response actions ~~action courses of action~~; or ~~, and/or~~ response action health and safety controls.

"Project Designer" means an individual licensed by the Department to design response actions for school buildings or commercial or public buildings. (Section 3(v) of the Asbestos Abatement Act)

"Project Manager" means an individual licensed by the Department and designated as the building owner's representative, independent of the asbestos abatement contractor, and who is responsible for overseeing asbestos abatement project activities.

"Remote Decontamination Enclosure System" means a decontamination enclosure system that ~~which~~ is not connected to the contained area.

"Removal" means the intentional detachment of any asbestos-containing building materials from surfaces or components of a building or taking out building components.

“Renovation” means altering a school or CPB of one or more facility components in any way, including stripping or removing ACBM from a facility component.

"Repair" means rewrapping or taping damaged pipe and boiler insulation and patching ~~of~~ surface materials.

"Resilient Floor Covering Materials" means asbestos-containing floor tile (including asphalt and vinyl floor tile) ~~, sheet vinyl flooring,~~ and floor adhesives or mastics.

"Response Action" means a method, including removal, encapsulation, enclosure,

repair, operations and maintenance, that protects human health and the environment from friable ACBM. (Section 15 of the Commercial and Public Building Asbestos Abatement Act and Section 3 of the Asbestos Abatement Act)

~~*"Response Action Contractor" means any entity that engages in response action services for any school or commercial or public building.* (Section 3(i) of the Asbestos Abatement Act).~~

"Response Action Services" means the service of designing and conducting removal, encapsulation, enclosure, repair, or operations and maintenance of friable asbestos-containing building materials, inspection of public or commercial buildings or school buildings, and inspection of asbestos-containing building materials. The term does not include the design or conducting of response actions that involve removal or possible disturbance of an amount of asbestos-containing building material comprising less than 3 ~~three~~ square feet, or less than 3 ~~three~~ linear feet of asbestos-containing insulation on pipes or ~~*asbestos-containing insulation on pipes or*~~ *other friable asbestos-containing building material.* (Section 15 of the Commercial and Public Building Asbestos Abatement Act)

"Revoke" means to permanently declare invalid a license issued to the applicant or licensee by the Department.

"School" means any school district or public, private or nonpublic day or residential educational institution that provides elementary or secondary education for grade 12 or under. (Section 3(c) of the Asbestos Abatement Act)

"School Board" means the corporate body established by law to govern the school district.

"School Building" means:

Any structure suitable for use as a classroom, including a school facility such as a laboratory, library, school eating facility, or facility used for the preparation of food.

Any gymnasium or other facility which is specially designed for athletic or recreational activities for an academic course in physical education.

Any other facility used for the instruction or housing of students or for the administration of educational or research programs.

Any maintenance, storage, or utility facility, including any hallway essential to the operation of any facility described in this definition of "school building" under the preceding three paragraphs.

Any portico or covered exterior hallway or walkway.

Any exterior portion of a mechanical system used to condition interior space. (Section (q)(1) through (6) of the Asbestos Abatement Act)

"School Personnel" means any employee of a school. (Section 3(o) of the Asbestos Abatement Act)

"Shall" means that the stated provision is mandatory.

"Shower Room" means a room between the clean room and the equipment room in the worker decontamination enclosure with hot and cold running water controllable at the tap and arranged for complete showering during decontamination.

"Shut Down and Lock Out Power" means to switch off all electrical circuit breakers serving power or lighting circuits that ~~which~~ run to, or through, the contained area. ~~Label circuit breakers with tape over the breakers with the notation "DANGER, circuit being worked on". Lock the electrical door or panel with separate locks, one lock and key for the supervisor and one lock and key for the project manager. No other person shall have keyed access to the electrical power in the contained area.~~

"Staging Area" means the area near the equipment decontamination enclosure designated for temporary storage of containerized waste prior to removal from the work area.

"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 non-load ~~nonload-~~supporting walls.

"Student" means any student enrolled in a school. (Section 3(p) of the Asbestos

Abatement Act)

"Surfacing Material" means materials that are sprayed on, troweled on or otherwise applied to surfaces, such as acoustic plaster on ceilings and fireproofing materials on structural members, or other materials on surfaces for acoustical, fireproofing, or other purposes.

"Surfactant" means a chemical wetting agent that, when added to water, will improve penetration and reduce fiber release.
"Suspected Asbestos Containing Building Material" means any building material that historically or typically contains asbestos, but has not been sampled and tested to determine that its asbestos content is not more than one percent.

"Suspend" means to declare invalid a license issued to a licensee for a temporary period of time, with the expectation of resumption, as determined by the Department.

"Thermal System Insulation" or "TSI" means material that is applied to pipes, fittings, boilers, breeching, tanks, ducts, or other interior structural components to prevent heat loss or gain or water condensation, or for other purposes.

"Transmission Electron Microscopy" or "TEM Method" means using the method for determination for asbestos and bulk building materials. The test method shall follow the EPA/600/R/93/116.

~~"USEPA" means the Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460.~~

"Visible Emissions" means any emissions containing particulate asbestos material that are visually detectable without the aid of instruments.

"Wash Room" means a room between the contained area and the holding area in the equipment decontamination enclosure system where equipment and waste containers are wet cleaned or HEPA vacuumed prior to disposal or removal from the work area.

"Wet Cleaning" means the process of eliminating asbestos contamination from building surfaces and objects by using cloths, mops, or other cleaning tools that ~~which~~ have been dampened with water, and by afterward disposing of these

cleaning tools as asbestos-contaminated waste.

"Work Area" means designated rooms, spaces, or areas where any aspect of an abatement project is being conducted.

"Worker Decontamination Enclosure System" means that portion of a decontamination enclosure system designed for controlled passage of workers, other personnel and authorized visitors, consisting of a clean room, a shower room, and an equipment room separated from each other by airlocks and curtained doorways.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 855.25 Alternative Procedures and Variances

a) An alternative procedure or variance may be requested by submitting a written proposal to the Department. ~~a minimum of 20 days before the commencement of work.~~ The written proposal shall include a detailed description of the procedure or procedures or variance ~~procedure(s)~~ to be used in lieu of the requirements of this Part. The ability ~~capability~~ of the alternative procedure or procedures ~~procedure(s)~~ to provide an orderly, efficient, and safe abatement that ~~which~~ ensures protection of public health equivalent to that provided by this Part or to otherwise satisfy the intent of this Part will ~~shall~~ be the basis for approval or denial of the alternative procedure or procedures or variance. The Department will ~~shall~~ notify the applicant in writing of its decision to either grant or deny the alternative procedure or variance within 20 working days after receipt of the request. ~~The project manager shall keep the approved variance available at the work site at all times.~~

b) Approval of alternative procedures and variances ~~Variances~~ on abatement project activities will ~~shall~~ be issued on a per project basis. Alternative procedure and variance ~~Variance~~ requests shall bear the signature of the licensed project designer if the project requires a design. ~~Variances shall be valid for 180 days from the date of issuance.~~ The project manager shall maintain a copy of the Department-approved alternative procedure or procedures or variance and associated request at the work site at all times.

c) A completed Request for Variance Cover Sheet form provided by the Department shall be submitted with each variance request.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 37 Ill. Reg._____, effective _____)

SUBPART B: LICENSURE AND TRAINING COURSE APPROVAL

Section 855.100 License Requirements

a) Subpart B applies to licensing of asbestos workers, supervisors, inspectors, management planners, project designers, project managers, and air sampling professionals. Section 20(b) of the Commercial and Public Building Asbestos Abatement Act ~~[225 ILCS 207/20(b)]~~ requires only asbestos abatement contractors, workers, supervisors, inspectors, and project designers to be licensed by the Department to perform response action services ~~project activities~~ in commercial and public buildings. Section 35 of the Commercial and Public Building Asbestos Abatement Act requires licensure ~~Licensure is required~~ for persons performing response action services ~~project activities~~ in excess of 3 square feet or 3 linear feet.~~, as required by Section 35 of the Commercial and Public Building Asbestos Abatement Act. Employees of the Illinois Department of Public Health, the Illinois Capital Development Board, and the Illinois Environmental Protection Agency are exempt from licensure fees when licenses are used only for purposes related to their agency employment.~~

b) Employees of the Illinois Department of Public Health, the Illinois Capital Development Board, and the Illinois Environmental Protection Agency and other government employees, as determined by the Department, are exempt from licensure fees when licenses are used only for purposes related to their agency employment.

1) Licenses issued pursuant to this subsection (b) will be specifically noted as Agency Employee (AE) licenses.

2) The AE license shall not allow the licensed individual to provide asbestos response action services for personal profit.

c) All documents or work products produced by a licensed asbestos professional shall bear the following statement: "I hereby certify that all documents and work products prepared hereunder comply with all applicable laws and regulations, including, but not limited to, 105 ILCS 105, 225 ILCS 207 and 77 Ill. Adm. Code 855." The certifier shall affix his or her signature to this certification.

d) Any person having a license issued by the Department shall report to the Department, as soon as practicable, any violations of this Part or its authorizing Acts. Failure to provide this information shall be deemed a willful violation of the Authorizing Acts.

e)~~b)~~ Asbestos worker licenses expire on February 1 of each year, except that licenses issued after October 31 shall expire one year after the next February 1. Asbestos project supervisor, inspector, management planner, project designer, project manager and air sampling professional licenses expire on May 15 of each year, except that licenses issued after January 15 shall expire one year after the next May 15. License applicants shall:

1) Be at least 18 years of age.

2) Submit a completed and signed application form provided by the Department. Address changes shall be submitted in writing.

3) Submit two identical ~~1" X 1"~~ photographs no larger than 2 inch by 2 inch (head and shoulders only) for proper identification of the licensee. The photographs shall be original, clear, and current~~, and~~ color pictures of the applicant with the name printed on the back. Alternatively, the applicant may submit a digital photo no larger than 350 kilobytes in size to DPH.ASBESTOS@ILLINOIS.GOV, including the applicant's name and Department-issued license number, if applicable.

4) Meet the certificate accreditation requirements of subsection (m~~j~~) of this Section.

5) Meet the specific requirements for licensure contained in subsections (f~~c~~) through (l~~i~~), as relevant.

f ~~c~~) License requirements for an asbestos worker.

1) Submit a $50 ~~25~~ application fee.

2) Successfully complete a Department-accredited asbestos worker initial training course or Department ~~IDPH~~-accredited initial asbestos abatement contractor/supervisor training course. If the initial course certificate has

expired, the applicant shall successfully complete the same type (worker or contractor/supervisor) of Department ~~IDPH~~ accredited refresher course as the initial course.

~~g~~ ~~d~~) License requirements for an asbestos supervisor.

1) Submit a $100 ~~75~~ application fee.

2) Submit written verification of a minimum of 2,080 hours experience in performing asbestos abatement projects as a licensed asbestos worker or a licensed project manager or licensed asbestos supervisor from another state.

3) Successfully complete a Department-accredited asbestos abatement contractor/supervisor initial training course. If the initial course certificate has expired, the applicant shall successfully complete a Department-accredited asbestos abatement contractor/supervisor refresher course.

he) License requirements for an asbestos inspector.

1) Submit a $100 ~~50~~ application fee.

2) Submit written verification of a minimum of 1,040 hours of experience inspecting buildings for asbestos-containing building materials, or a minimum of 3,120 hours of experience in direct planning of construction projects and ~~and/or~~ construction project inspection.

3) Successfully complete a Department-accredited inspector initial training course. If the initial course certificate has expired, the applicant shall successfully complete a Department-accredited inspector refresher course.

i~~f~~) License requirements for an asbestos management planner.

1) Submit a $100 ~~50~~ application fee.

2) Successfully complete Department- ~~IDPH~~ accredited inspector and management planner initial training courses. If the initial course certificates have expired, the applicant shall successfully complete Department- ~~IDPH~~ accredited inspector and management planner

refresher courses.

3) Submit a current copy of either an Illinois Architect License, an Illinois Professional Engineer License, an Illinois Structural Engineer License, or an Illinois Industrial Hygienist License; or

4) Submit a copy of a transcript and evidence of completion of a Bachelor's Degree or higher in architecture, engineering, mathematics or science, and meet the experience requirements of an ~~licensed~~ asbestos inspector; or

5) Submit a copy of a transcript and evidence of completion of a Bachelor's Degree and written verification of 2,080 hours of experience in asbestos inspections, project management, project design or other asbestos management and control activities.

~~j~~g) License requirements for an asbestos project designer.

1) Submit a $100 ~~50~~ application fee.

2) Submit a current copy of either an Illinois Architect License, an Illinois Professional Engineer License, an Illinois Structural Engineer License, or an Illinois Industrial Hygienist License.

3) Successfully complete a Department-accredited initial project designer training course. If the initial course certificate has expired, the applicant shall successfully complete a Department-accredited project designer refresher course.

k~~h~~) License requirements for an asbestos project manager.

1) Submit a $100 ~~50~~ application fee.

2) Submit written verification of 2,080 hours of on-site work experience in building construction projects or 520 hours of on-site work experience assisting a licensed project manager on asbestos abatement projects.

3) Successfully complete a Department-accredited project monitor ~~contractor/supervisor~~ initial training course. If the initial course certificate has expired, the applicant shall successfully complete a Department-

accredited project monitor ~~contractor/supervisor~~ refresher course. Project managers who have completed an asbestos abatement contractor/supervisor initial or refresher training course shall be allowed to continue their accreditation by taking the project monitor refresher course in lieu of completing the project monitor initial course.

l~~i~~) License requirements for an asbestos air sampling professional.

1) Submit a $100 ~~50~~ application fee.
2) Submit a certificate of successful completion of the National Institute for Occupational Safety and Health (NIOSH) course #582 "Sampling and Evaluating Airborne Asbestos Dust" or a course equivalent in length and content.

3) Submit a copy of a transcript and evidence of obtaining a Bachelor's Degree in the life, environmental or physical sciences or in engineering and written verification of 520 hours of on-site experience in general indoor air pollution sampling; or a copy of an Illinois Industrial Hygienist License; or written verification of 2,080 hours of on-site experience in air sampling for asbestos on abatement projects under the supervision of a licensed Air Sampling Professional.

4) Successfully complete a Department-accredited project monitor initial training course. If the initial course certificate has expired, the applicant shall successfully complete a Department-accredited project monitor refresher course.

5) Currently licensed asbestos air sampling professionals who have completed an asbestos abatement contractor/supervisor initial or refresher training course shall be allowed to meet the accreditation /training requirements by taking the project monitor refresher course in lieu of completing the project monitor initial course.

m~~j~~) Certificate accreditation requirements.

All applicants for licensure shall successfully complete a Department-accredited training course ~~accredited by the Illinois Department of Public Health~~. Licensees are required to maintain current accreditation in the discipline for which they are licensed. If the accreditation expires, the license shall automatically expire

concurrently ~~therewith~~ and without notice. For ~~In order for~~ the current license to be reinstated, the applicant shall successfully complete a Department-accredited refresher course. Updates of refresher courses will be made electronically to the licensee's file through information from class lists submitted to the Department by the Department- ~~IDPH~~ accredited training course providers. Certificates of training from Department- ~~Illinois~~ accredited training course providers for renewal applicants do not need to be submitted to the Department unless specifically requested by the Department. A refresher course shall be completed annually. If a course certificate has been expired for more than one year from the expiration date, the applicant shall retake a Department-accredited initial training course. It is the licensee's responsibility to keep the course certificates current and maintain copies of all certificates for his or her ~~their~~ use. Within 30 days after the applicant's ~~The Department shall~~ ~~verify, within 30 days, the successful~~ completion of a Department-accredited training course ~~by the license applicant~~ , the Department will verify successful completion with the ~~IDPH accredited training~~ course provider before the license is issued.

n~~k~~) Renewal of licenses.

1) All renewal applicants shall submit a completed and signed renewal application form provided by the Department and, at the Department's request, two identical ~~1" X 1"~~ photographs no larger than 2 inch by 2 inch (head and shoulders only) for proper identification of the licensee. The photographs shall be original, clear, and current~~, and~~ color pictures of the applicant with the name printed on the back. Alternatively, the applicant may submit a digital photo no larger than 350 kilobytes in size to DPH.ASBESTOS@ILLINOIS.GOV, including the applicant's name and Department-issued license number.

2) All renewal applicants shall have successfully completed a current refresher course in the same discipline as their initial course and meet the requirements of subsection (m~~j~~) of this Section.

3) An asbestos worker renewal applicant shall submit a $50 ~~25~~ renewal application fee. If a renewal application fee is received after January 15 ~~December 31~~, the applicant shall pay a late fee of $15 in addition to the renewal fee of $50 ~~25~~.

~~4)~~ ~~An asbestos supervisor renewal applicant shall submit a $75 renewal~~

~~application fee. If the renewal application is received after April 15, the applicant shall pay a $15 late fee in addition to the renewal fee of $75.~~

4~~5~~) A renewal applicant for an asbestos supervisor, inspector, management planner, project designer, project manager or air sampling professional license ~~licenses~~ shall submit a $100 ~~$50~~ renewal application fee per license discipline. If a renewal application fee is received after April 15, the applicant shall pay a $15 late fee for each discipline in addition to the $100 ~~$50~~ renewal fee for each discipline.

5~~6~~) If a management planner, project designer or air sampling professional is initially licensed with an Illinois Architectural License, an Illinois Professional Engineer's License, an Illinois Structural Engineer's License, or an Illinois Industrial Hygienist's License, the applicant shall submit a current copy of the ~~such~~ license.

~~7) If a project designer initially qualified for licensure with an Industrial Hygienist Certificate, the licensee shall submit a current Illinois Industrial Hygienist License.~~

o~~l~~) Reinstatement of licenses. An applicant whose license has been expired for more than one year, but less than five years, may apply to the Department for reinstatement. If an applicant's license has been expired for more than five years, the applicant shall reapply and follow the requirements of subsections (g) through (m) as applicable. The applicant for reinstatement shall:

1) Submit a completed and signed application form provided by the Department.

2) Submit, at the Department's request, two identical ~~1" X 1"~~ photographs no larger than 2 inch by 2 inch (head and shoulders only) for proper identification of the licensee. The photographs shall be original, clear, and current~~, and~~ color pictures of the applicant with the name printed on the back. Alternatively, the applicant may submit a digital photo no larger than 350 kilobytes in size to DPH.ASBESTOS@ILLINOIS.GOV, including the applicant's name and Department-issued license number, if applicable.

3) Complete a Department-accredited refresher course and have current accreditation as defined in the Asbestos Model Accreditation Plan (40

CFR 763, Appendix C to Subpart E) for more than one year. If a course certificate has been expired for more than one year from the expiration date, the applicant shall retake a Department-accredited initial training course. If the applicant's accreditation has expired, the applicant may reinstate the license only by completing a Department-accredited initial training course.

4) Asbestos workers shall submit an initial application fee of $50 ~~25~~ plus a reinstatement fee of $100 ~~50~~. ~~Supervisors shall submit an initial application fee of $75 plus a reinstatement fee of $150.~~ Supervisors, inspectors, ~~Inspectors~~, management planners, project designers, project managers, and air sampling professionals shall submit an initial application fee of $100 ~~50~~ plus a reinstatement fee of $200 ~~100~~ per type of license.

p~~m~~) Duplicate license requirements. The applicant shall submit a written request for a duplicate license, a $15 fee, and ~~a~~ two identical ~~1" X 1"~~ photographs ~~photograph~~ no larger than 2 inch by 2 inch (head and shoulders only) for proper identification of the applicant. The photographs photograph shall be ~~an~~ original, clear, and current ~~and~~ color pictures ~~picture~~ with the name printed on the back. Alternatively, the applicant may submit a digital photo no larger than 350 kilobytes in size to DPH.ASBESTOS@ILLINOIS.GOV, including the applicant's name and Department-issued license number, if applicable. A duplicate license will not be issued if the Department- ~~IDPH~~ accredited training course certificate has expired.

q~~n~~) Reciprocity. Persons ~~Out of state residents~~ applying for initial licensure in Illinois may receive reciprocity by submitting USEPA or other state-accredited initial training course certificates and meeting the license requirements of this Section. If the initial course certificates are expired, the applicant shall also submit refresher course certificates for all preceding years. Reciprocity of Architectural and Engineering licenses is ~~are~~ under the jurisdiction of the Illinois Department of Financial and Professional Regulation.

r~~o~~) While conducting asbestos work that ~~which~~ requires a license, the current course certificate and the license original shall be in the person's possession at the work site. (A legible ~~clear~~ copy of the certificate may be substituted for the original certificate, but the license shall not be a copy.)

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 855.105 Asbestos Consultant Licensing

a) The Department will prepare and maintain a list of licensed asbestos consultants. The list will be made available upon request and shall be used to select an asbestos consultant. The asbestos consultant shall possess the qualifications in subsection (c).

b) No person, sole proprietorship, partnership or corporation shall advertise or display any sign, card or other device that might indicate to the public that he or she or the entity is an asbestos consultant, unless the person or entity holds a Department-issued active license as an asbestos consultant.

c) To qualify as a licensed asbestos consultant, a person shall submit the following information to the Department:

1) A completed application on forms provided by the Department, accompanied by a $250 nonrefundable fee;

2) A written certification that the asbestos consultant shall ensure that personnel who are conducting work as asbestos professionals are licensed specific to the discipline in which services are provided (i.e., building inspections shall be performed by asbestos inspectors; project designs will be developed by licensed project designers; clearance air monitoring will be conducted by licensed air sampling professionals);

3) Either:

A) Copies of all citations levied against the asbestos consultant or any of his or her present employees or companies by any federal, state, or local government agency for violations related to the services of an asbestos consultant, including names and locations of the CPB, the date or dates, and a description of how the allegations were resolved; or

B) A signed statement that there were no citations;

4) A description detailing all legal proceedings, lawsuits or claims that have been filed or levied against the asbestos consultant or any of his or her past or present employees or companies for asbestos-related activities, or a signed statement that there was no legal action; and

5) Identification of the asbestos consultant as a sole proprietorship, partnership or corporation and the agent and physical mailing address for service of process by the Department.

d) All asbestos consultant licenses shall expire on September 30 of each year, except that licenses issued after May 30 shall expire in the year following the year the license was issued. The fee for the issuance of a duplicate license shall be $15.

e) The Department will notify successful applicants to submit to the Department an additional $500 fee for a license and of inclusion on the list of Department-licensed asbestos consultants.

f) Any license issued pursuant to this Part may be renewed if the licensee submits a completed renewal application form provided by the Department and a nonrefundable $500 renewal fee. If a renewal application is received after August 30, the applicant shall pay a late fee of $100 in addition to the renewal fee.

g) An asbestos consultant whose license has been expired for more than one year may apply to the Department for reinstatement of the license. The Department will reinstate the license, provided that the applicant submits:

1) A completed application form provided by the Department;

2) The renewal fee of $500, plus a reinstatement fee of $500 for the first year, or a reinstatement fee of $1,000 for two or more years and less than five years. If an asbestos consultant license has been expired for more than five years, the asbestos consultant shall reapply and follow the requirements of subsection (c).

h) The Department will provide written notice, by certified mail, of its decision to deny, suspend, or revoke an asbestos consultant's license. The applicant or licensee shall have 15 days after the date of mailing or service to make a written request for an administrative hearing to contest the Department's decision.

i) The Department's decision to suspend or revoke a license or deny an application shall be based upon the following circumstances involving the asbestos consultant; any of the asbestos consultant's members if it is a firm, partnership or association; or any of the asbestos consultant's officers or directors if it is a corporation:

1) Conviction of a felony or two or more misdemeanors involving fraudulent activities, or conviction of violations of laws relating to professional regulation, in general, in the last five years;

2) A licensure status or record, in Illinois or from any other state where the applicant has done business in a similar capacity, that indicates that the applicant has conducted the services of an asbestos consultant in a manner hazardous to the public health;

3) Violation of the Asbestos Abatement Act or the Commercial and Public Building Asbestos Abatement Act, or of this Part; or

4) Submission of fraudulent documentation to the Department or to a building owner or representative or agent of the building owner.

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 855.110 Asbestos Abatement Contractor Licensing

a) The Department will ~~shall~~ prepare and maintain a list of licensed asbestos abatement contractors. The list will ~~shall~~ be made available upon request to all school boards or building owners and shall be used to select an asbestos abatement contractor. The asbestos abatement contractor shall possess the qualifications ~~detailed~~ in subsection (b).

b) To ~~In order to~~ qualify as a licensed asbestos abatement contractor, a company shall submit the following information to the Department:

1) A completed application provided by the Department, accompanied by a $500 ~~250~~ nonrefundable fee for the initial review;~~.~~

2) *A certificate documenting that the contractor carries liability insurance from a company with at least an "A" rating accorded by A.M. Best & Co., self insurance, group insurance, or group self insurance in an amount of*

at least $1,000,000 ~~$1,000,000~~ (first dollar coverage) *for work performed pursuant* ~~pursuant~~ *to* the Act and this Part. *Each asbestos abatement contractor shall maintain on file with the Department a current certificate of financial responsibility throughout the entire length of time the contractor's name appears on the Department's list of approved contractors. An asbestos abatement contractor shall notify the Department of any change in the status of the certificate that has been filed including expiration, renewal,* cancellation*, or alteration of the terms* by endorsement *of the certificate.* (Section 45 of the Commercial and Public Building Asbestos Abatement Act) ~~[225 ILCS 207/45].~~ The certificate documenting evidence of insurance shall be the original and shall state that the insurance covers asbestos abatement. The certificate shall be issued by an insurance company that is authorized to do business in Illinois. The certificate shall be submitted to the Department within 48 hours after the expiration date of the certificate on file. If the Department does not receive the ~~above-mentioned~~ certificate documenting evidence of insurance, the asbestos abatement contractor shall ~~will~~ be subject to suspension of his or her ~~his/her~~ license until an acceptable certificate is received;~~.~~

3) A copy of the designated supervisor's valid IDPH asbestos supervisor's license. A supervisor shall be the designated supervisor for no more than one asbestos abatement contractor listed on the Department's approved list of asbestos abatement contractors;

~~4~~) Evidence that IDPH-licensed asbestos workers will be employed on all asbestos abatement projects as required by Section 855.100;~~.~~

5) A list of prior contracts for asbestos abatement projects, including dates and the names, addresses~~,~~ and telephone numbers of building owners for whom the projects were performed. An asbestos abatement ~~A~~ contractor shall have a minimum of one year of experience in asbestos abatement contracting. An applicant is also eligible to qualify for a license if employer references demonstrate a minimum of one year of experience in asbestos abatement project supervision, or if the applicant employs ~~shall employ~~ a supervisor with a minimum of one year of experience in asbestos abatement project supervision. Evidence of experience shall ~~must~~ accompany the application;~~.~~

6) Evidence of air monitoring data taken during and after completion of previous asbestos abatement projects in accordance with OSHA requirements in 29 CFR 1910.1001~~(d)~~. This evidence shall include clearance air monitoring results from 10 different contracted asbestos abatement projects. Evidence of air monitoring data shall ~~must~~ have the name of the company that analyzed the final air monitoring results. All final results shall be below .01 fibers/cubic centimeter (f/cc) for Phase Contrast Microscopy (PCM) or 70 structures per millimeter squared (s/mm^2) for Transmission Electron Microscopy (TEM). If an applicant employs a supervisor with a year of experience of asbestos removal supervision, the air monitoring results shall be from projects that the licensed supervisor has supervised;~~.~~

7) A copy of the written standard operating procedures and employee protection plans, including specific reference to OSHA medical monitoring and respirator training programs as required in 29 CFR 1910.134~~1001~~;~~.~~

8) A description of any asbestos abatement projects that ~~which~~ were prematurely terminated or not completed, including the circumstances surrounding termination, or a signed statement that ~~there were~~ no ~~such~~ projects were prematurely terminated or not completed;~~.~~

9) A list of any contractual penalties that ~~which~~ the asbestos abatement contractor has paid for breach of or noncompliance with contract specifications, such as overruns of completion time or liquidated damages, or a signed statement that there were no ~~such~~ penalties;~~.~~

10) Copies of ~~any and~~ all citations levied against the asbestos abatement contractor or any of his or her ~~his/her~~ past or present employees or companies by any federal, state, or local government agency for violations related to asbestos abatement, including names and locations of the projects, the date or dates ~~date(s),~~ and a description of how the allegations were resolved, or a signed statement that there were no ~~such~~ citations;~~.~~

11) A description detailing all legal proceedings, lawsuits or claims that ~~which~~ have been filed or levied against the asbestos abatement contractor or any of his or her ~~his/her~~ past or present employees or companies for asbestos-related activities, or a signed statement that there was no ~~such~~ legal action;

and~~.~~

12) Identification of ~~The contractor shall identify~~ whether the asbestos abatement contractor ~~it~~ is a sole proprietorship, partnership or corporation and the ~~identify its~~ agent and mailing address for service of process by the Department. The ~~Additionally, if applicable, the~~ asbestos abatement contractor shall also provide the following information, if applicable, to the Department:

A) Partnerships:

i) If the asbestos abatement contractor is a partnership, it shall identify the general and limited partners by name, together with their addresses and percentage of ownership interest; and~~.~~

ii) If the asbestos abatement contractor is a limited liability partnership pursuant to ~~the provisions of~~ Section 8.1 of the Uniform Partnership Act [805 ILCS 205/8.1], it shall file annually with the Department a copy of the application, or renewal application, required to be filed with the Illinois Secretary of State.

B) Corporation: If the asbestos abatement contractor is a corporation, either foreign or domestic, it shall file with the Department a copy of its articles of incorporation, which shall include all information required by Section 2.10 of the Business Corporation Act of 1983 ~~[805 ILCS 5/2.10]~~, and shall annually provide ~~thereafter~~ a copy of the annual report that ~~which~~ is required to be filed with the Illinois Secretary of State pursuant to Section 14.05 of the Business Corporation Act of 1983 ~~[805 ILCS 5/14.05]~~.

c) All licenses shall expire on May 15 of each year, except that licenses issued after January 15 shall expire one year after the next May 15. The fee for the issuance of a duplicate license shall be $15.

d) Successful applicants shall be notified to submit to the Department an additional $500 fee for a license and for inclusion on the list of IDPH-licensed asbestos abatement contractors.

e) ~~Renewal of License.~~ Any license issued pursuant to this Part may be renewed if the licensee submits a completed renewal application form provided by the Department and the $500 renewal fee. A current original certificate documenting evidence of insurance shall be filed with the Department before the license is issued. The designated supervisor listed on the renewal application shall be a currently IDPH-licensed ~~IDPH~~ supervisor and employed by only one asbestos abatement contractor. If a renewal application is received after April 15, the applicant shall pay a late fee of $100 in addition to the renewal fee of $500.

f) ~~Reinstatement of License.~~ An applicant whose license has been expired for more than one year may apply to the Department for reinstatement of the license. The Department will ~~shall~~ reinstate the license provided that the applicant submits:

1) A completed application form provided by the Department;~~.~~

2) A current certificate of financial responsibility meeting the requirements of subsection (b)(2);~~.~~

3) A copy of the designated supervisor's current IDPH-issued supervisor license; and~~.~~

4) The renewal fee of $500 plus a reinstatement fee of $500 for the first year and $1,000 for two or more ~~than two~~ years and less than five years. If an asbestos abatement contractor license has been expired for more than five years, the asbestos abatement contractor shall reapply and follow the criteria of subsection (b).

g) ~~Suspension or Revocation of License/Denial of Application.~~ The Department shall provide written notice, by ~~via~~ certified mail, of its decision to deny, suspend or revoke an asbestos abatement contractor's license. The applicant or licensee shall have 15 days to make a written request for an administrative hearing to contest the Department's decision.

h) The Department's decision to suspend or revoke a license or deny an application shall be based upon the circumstances ~~any of the reasons provided~~ in subsections (h~~g~~)(1) through (6) ~~(g)(5)~~ involving any of the asbestos abatement contractor's members if the asbestos abatement contractor is a firm, partnership, or association; any of the asbestos abatement contractor's officers or directors if the asbestos abatement contractor is a corporation; or any person designated to

manage or supervise the asbestos abatement activities ~~below~~:

1) Conviction ~~,~~ of a felony or two or more misdemeanors involving fraudulent activities, or conviction of violations of laws relating to construction or the building trades in general, in the last five years~~:~~:

~~A)~~ ~~of the contractor; or~~

~~B)~~ ~~if the contractor is a firm, partnership, or association, of any of its members; or~~

~~C)~~ ~~if a corporation, of any of its officers or directors; or~~

~~D)~~ ~~of any person designated to manage or supervise the asbestos abatement activities.~~

2) A ~~The~~ licensure status or record, in Illinois or from any other state where the applicant has done business in a similar capacity, which ~~that~~ indicates that the applicant has conducted asbestos abatement projects in a manner hazardous to the public health~~:~~:

~~A)~~ ~~of the contractor; or~~

~~B)~~ ~~if a firm, partnership, or association, of any of its members; or~~

~~C)~~ ~~if a corporation, of any of its officers or directors; or~~

~~D)~~ ~~of any person designated to manage or supervise the asbestos abatement activities.~~

3) The asbestos abatement contractor's failure ~~contractor has failed~~ to complete an asbestos abatement project because of ~~due to~~ insufficient financial resources~~:~~.

4) Violation of ~~any provision of~~ the Asbestos Abatement Act or the Commercial and Public Building Asbestos Abatement Act, or of ~~any provision of~~ this Part~~:~~.

5) Submission of fraudulent documentation to the Department or to a

building owner or representative or agent of the building owner; or ~~thereof.~~

6) Issuance of an Emergency Stop Work Order (ESWO) by the Department for the improper removal of ACBM because the asbestos abatement contractor causes or allows contamination.

(Source: Amended at 37 Ill. Reg._____, effective _____)

Section 855.120 Training Course Approval and Accreditation

In accordance with Section 10a of the Asbestos Abatement Act and Section 35 of the Commercial and Public Building Asbestos Abatement Act, the following are ~~minimum standards of~~ course curricula requirements for approval of training course providers to conduct asbestos worker, asbestos abatement contractor/supervisor, asbestos inspector, management planner, project monitor and project designer accredited courses.

a) The Department will ~~shall~~ develop a list of all Illinois-approved training course providers and the courses they are accredited to teach and will make this list available upon request.

b) Any educational institution or other person may apply for accreditation of an initial or refresher training course by submitting the following for each type of training course for which accreditation by the Department is sought.

1) A completed application form provided by the Department;~~.~~

2) A $500 application fee per each type of course for which the provider is seeking accreditation. A check or money order shall ~~must~~ be made payable to the Illinois Department of Public Health;~~.~~

3) A list of other states that currently approve the training course, if any;~~.~~

4) A copy of a USEPA or state approval letter or letters ~~letter(s).~~ (required ~~Required~~ for training courses previously approved by USEPA or other states~~.~~);

5) A description of the course;~~.~~

6) A detailed outline of the course curriculum and the amount of time allotted to each topic;~~.~~

7) A description of the teaching methods to be used to present each topic (i.e., lectures, discussions, demonstrations and audio-visual materials);~~.~~

8) A copy of course materials, student manuals, instructor manuals, and any handouts that cover the information specified in subsection (c). The course materials shall adequately address all topics of the discipline for which the training course provider is applying;

9) A copy of the examination and answer key as required in subsection (~~h~~g);~~.~~

10) A list of instructors and a completed instructor's application for each instructor as required in subsection (~~k~~j). The training course application will not be considered complete and accreditation will not be approved until at least one instructor is approved to instruct the discipline for which the training course provider is applying;

11) A copy of the course certificate as required in subsection (f);~~.~~

12) A statement of the length of training, in days; and~~.~~

13) A description of the type of hands-on training provided and an inventory of the facilities and equipment used in the hands-on training.

c) Training requirements for each of the licensed disciplines are outlined below:

1) Asbestos Worker Course. The four-day asbestos worker training course shall include lectures, demonstrations, at least 14 hours of hands-on training, individual respirator fit testing, course review, and a closed-book written examination. Hands-on training shall ~~must~~ permit workers to have actual experience performing tasks associated with asbestos abatement. The asbestos worker training course shall adequately address the following topics:

A) Physical characteristics of asbestos. Identification of asbestos, aerodynamic characteristics, typical uses, physical appearance, and a summary of abatement control options;.

B) Potential health effects related to asbestos exposure. The nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of a safe exposure level; the synergistic effect between cigarette smoking and asbestos exposure; the latency periods for asbestos-related diseases; a discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancers of other organs;~~.~~

C) Employee personal protective equipment. Classes and characteristics of respirator types; limitations of respirators; proper selection, inspection, donning, use, maintenance, and storage procedures for respirators; methods for field testing of the facepiece-to-face seal (positive and negative pressure fit checks); qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors that alter respiratory fit (e.g., facial hair); the components of a proper respiratory protection program; selection and use of personal protective clothing; use, storage, and handling of nondisposable ~~non-disposable~~ clothing; and regulations covering personal protective equipment;~~.~~

D) State-of-the-art work practices. Proper work practices for asbestos abatement activities, including descriptions of proper construction; maintenance of barriers and decontamination enclosure systems; positioning of warning signs; lock-out of electrical and ventilation systems; proper working techniques for minimizing fiber release; use of wet methods; use of negative pressure exhaust ventilation equipment; use of ~~high-efficiency particulate air (~~HEPA~~)~~ vacuums; proper clean-up and disposal procedures; work practices for removal, encapsulation, enclosure, and repair of ACBM; emergency procedures for sudden releases; potential exposure situations; transport and disposal procedures; and recommended and prohibited work practices;~~.~~

E) Personal hygiene. Entry and exit procedures for the work area; use of showers; avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area; and potential exposures, such as family exposure;~~.~~

F) Additional safety hazards. Hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards, scaffold and ladder hazards;~~,~~ slips, trips, and falls;~~,~~ and confined spaces;~~.~~

G) Medical monitoring. OSHA worker protection ~~Worker Protection Rule~~ requirements for physical examinations, including a pulmonary function test, chest X-rays, and a medical history for each employee, in accordance with OSHA respiratory protection regulations at 29 CFR 1910.134;~~.~~

H) Air monitoring. Procedures to determine airborne concentrations of asbestos fibers, focusing on how personal air sampling is performed and the reasons for it;~~.~~

I) Regulatory requirements. Relevant federal, State, and local regulatory requirements, procedures, and standards, with particular attention directed at relevant USEPA, OSHA, and State regulations concerning asbestos abatement workers, including this Part and the following:

i) Toxic Substance Control Act (TSCA) Title II [15 USC 2643]

ii) USEPA, National Emission Standards for Hazardous Air Pollutants, Subparts A (General Provisions) and M (National Emission Standards for Asbestos) (40 CFR 61)

J) Respiratory protection. Establishment of respiratory protection programs; and~~.~~

K) Course review. A review of key aspects of the training course.

2) Asbestos Abatement Contractor/Supervisor Course. The five-day asbestos abatement contractor/supervisor training course shall include lectures, demonstrations, at least 14 hours of hands-on training, individual respirator fit testing, course review, and a closed-book written

examination. Hands-on training shall permit supervisors to have actual experience performing tasks associated with asbestos abatement. The asbestos abatement contractor/supervisor training course shall adequately address the following topics:

A) Physical characteristics of asbestos and ACBM. Identification of asbestos, aerodynamic characteristics, typical uses, physical appearance, a review of hazard assessment considerations, and a summary of abatement control options.

B) Potential health effects related to asbestos exposure. The nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of a safe exposure level; the synergism between cigarette smoking and asbestos exposure; and latency periods for diseases.

C) Employee personal protective equipment. Classes and characteristics of respirator types; limitations of respirators; proper selection, inspection, donning, use, maintenance, and storage procedures for respirators; methods for field testing of the facepiece-to-face seal (positive and negative pressure fit checks); qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors that alter respiratory fit (e.g., facial hair); the components of a proper respiratory protection program; selection and use of personal protective clothing; use, storage, and handling of nondisposable ~~non-disposable~~ clothing; and regulations covering personal protective equipment.

D) State-of-the-art work practices. Proper work practices for asbestos abatement activities, including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems; positioning of warning signs; lock-out of electrical and ventilation systems; proper working techniques for minimizing fiber release; use of wet methods; use of negative pressure exhaust ventilation equipment; use of HEPA vacuums; ~~and~~ proper clean-up and disposal procedures, work practices for removal, encapsulation, enclosure, and repair of ACBM; emergency procedures for unplanned releases; potential exposure situations; transport and disposal procedures; and recommended and

prohibited work practices. New abatement-related techniques and methodologies may be discussed.

E) Personal hygiene. Entry and exit procedures for the work area; use of showers; avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area. Potential exposures, such as family exposure, shall also be included.

F) Additional safety hazards. Hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards, scaffold and ladder hazards, slips, trips, and falls, and confined spaces.

G) Medical monitoring. OSHA worker protection ~~Worker Protection Rule~~ requirements for physical examinations, including a pulmonary function test, chest X-rays, and a medical history for each employee, in accordance with OSHA respiratory protection regulations at 29 CFR 1910.134.

H) Air monitoring. Procedures to determine airborne concentrations of asbestos fibers, including descriptions of aggressive air sampling, sampling equipment and methods, reasons for air monitoring, types of samples and interpretation of results.

I) Relevant federal, State, and local regulatory requirements, procedures, and standards, including this Part and the following:

i) ~~Requirements of~~ Toxic Substance Control Act (TSCA) Title II [15 USC 2643];~~.~~

ii) USEPA, National Emission Standards for Hazardous Air Pollutants (40 CFR 61), Subparts A (General Provisions) and M (National Emission Standards for Asbestos);~~.~~

iii) OSHA,Occupational Safety and Health Standards -- Respiratory Protection ~~Occupational Safety and Health Administration (OSHA) standards for permissible exposure to airborne concentrations of asbestos fibers and respiratory~~

~~protection~~ (29 CFR 1910.134)~~;~~.

iv) OSHA, Safety and Health Regulations for ~~Asbestos~~ Construction – Asbestos ~~Standard~~ (29 CFR 1926.1101)~~;~~.

v) USEPA, Worker Protection Rule (40 CFR 763, Subpart G~~)~~.

vi) ~~Illinois~~ Asbestos Abatement Act~~;~~.

vii) ~~Illinois~~ Commercial and Public Building Asbestos Abatement Act; and~~.~~

viii) USEPA, Asbestos Model Accreditation Plan, 40 CFR 763, Appendix C to Subpart E~~, revised April 4, 1994~~.

J) Respiratory protection programs and medical monitoring programs.

K) Insurance and liability issues. Asbestos abatement contractor ~~Contractor~~ issues; worker's compensation coverage and exclusions; third-party liabilities and defenses; insurance coverage and exclusions.

L) Record keeping ~~Recordkeeping~~ for asbestos abatement projects. Records required by federal, State, and local regulations; records recommended for legal and insurance purposes.

M) Supervisory techniques for asbestos abatement activities. Supervisory practices to enforce and reinforce the required work practices and discourage unsafe work practices.

N) Contract specifications. Discussions of key elements that are included in contract specifications.

O) Course review. A review of key aspects of the training course.

3) Asbestos Inspector Course. The three-day inspector training course shall include lectures, demonstrations, four hours of hands-on training, individual respirator fit testing, course review, and a closed-book written

examination. Hands-on training shall include conducting a simulated building walk-through inspection and respirator fit testing. The inspector training course shall adequately address the following topics:

A) Background information on asbestos. Identification of asbestos and examples and discussion of the uses and locations of asbestos in buildings; physical appearance of asbestos;~~.~~

B) Potential health effects related to asbestos exposure. The nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of a safe exposure level; the synergistic effect between cigarette smoking and asbestos exposure; the latency periods for asbestos-related diseases; a discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancers of other organs;~~.~~

C) Functions/qualifications and role of licensed asbestos inspectors. Discussions of prior experience and qualifications for asbestos inspectors and management planners; discussions of the functions of an asbestos ~~an accredited~~ inspector ~~as~~ compared to those of a licensed management planner ~~an accredited management planner~~; discussion of the inspection process; including inventory of ACBM and physical assessment.

D) Legal liabilities and defenses. Responsibilities of the asbestos inspector and management planner; a discussion of comprehensive general liability policies, claims-made, and occurrence policies; environmental and pollution liability policy clauses; State liability insurance requirements; bonding and the relationship of insurance availability to bond availability;~~.~~

E) Understanding building systems. The interrelationship between building systems, including: an overview of common building physical plant layout; heating ~~heat~~, ventilation, and air conditioning (HVAC) system types, physical organization, and where asbestos is found on HVAC components; building mechanical systems, their types and organization, and where to look for asbestos on mechanical ~~such~~ systems; inspecting electrical systems, including appropriate safety precautions; reading

blueprints and as-built drawings.

F) Public/employee/building occupant relations. Notifying employee organizations about the inspection; signs to warn building occupants; tact in dealing with occupants and the press; scheduling ~~of~~ inspections to minimize disruptions; and educating ~~education of~~ building occupants about actions being taken;~~.~~

G) Pre-inspection planning and review of previous inspection records. Scheduling the inspection and obtaining access; building record review; identification of probable homogeneous areas from blueprints or as-built drawings; consultation with maintenance or building personnel; review of previous inspection, sampling, and abatement records of a building; the role of the asbestos inspector in exclusions for previously performed inspections;~~.~~

H) Inspecting for friable and nonfriable ACBM and assessing the condition of friable ACBM. Procedures to follow in conducting visual inspections for friable and nonfriable ACBM; types of building materials that may contain asbestos; touching materials to determine friability; open return air plenums and their importance in HVAC systems; assessing damage, significant damage, potential damage, and potential significant damage; amount of suspected ACBM, both in total quantity and as a percentage of the total area; type of damage; accessibility; potential for disturbance; known or suspected causes of damage or significant damage; and deterioration as an assessment factor ~~factors~~;~~.~~

I) Bulk sampling/documentation of asbestos. Detailed discussion of ~~the~~ "Simplified Sampling Scheme for Friable Surfacing Materials (EPA 560/5-85-030a ~~October 1985~~)"; techniques to ensure sampling in a randomly distributed manner for other than friable surfacing materials; sampling of nonfriable materials; techniques for bulk sampling; asbestos inspector's sampling and repair of equipment; patching or repair of damage from sampling; discussion of Polarized Light Microscopy (PLM)~~polarized light microscopy~~ ; choosing an accredited laboratory to analyze bulk samples; quality control and quality assurance procedures;~~.~~

J) Asbestos Inspector respiratory protection and personal protective equipment. Classes and characteristics of respirator types; limitations of respirators; proper selection, inspection, donning, use, maintenance, and storage procedures for respirators; methods for field testing of the facepiece-to-face seal (positive and negative pressure fit checks); qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors that alter respiratory fit (e.g., facial hair); the components of a proper respiratory protection program; selection and use of personal protective clothing; use, storage, and handling of nondisposable ~~non-disposable~~ clothing; and~~.~~

K) Record keeping ~~Recordkeeping~~ and writing the inspection report. Labeling of samples and keying sample identification to sampling location; recommendations on sample labeling; detailing of ACBM inventory; photographs of selected sampling areas and examples of ACBM condition; information required for inclusion in the management plan required for school buildings under the Toxic Substance Control Act (TSCA)Title II, Section 203(i)(l).

L) Regulatory review. This Part and the following topics shall ~~should~~ be covered:

i) USEPA,National Emission Standards for Hazardous Air Pollutants (NESHAP),~~;~~ ~~40 CFR 61,~~ Subparts A and M (40 CFR 61);

ii) USEPA, Worker Protection Rule, Subpart G (40 CFR 763, ~~Subpart G~~);

iii) OSHA, Safety and Health Regulations for ~~Asbestos~~ Construction -- Asbestos ~~Standard~~ (29 CFR 1926.1101);

iv) OSHA, Occupational Safety and Health Standards – Respiratory Protection ~~Respirator Requirements~~ (29 CFR 1910.134~~)~~;

v) USEPA,~~The~~ Friable Asbestos in Schools ~~Rule~~, Subpart F (40 CFR 763~~, Subpart F~~);

vi) ~~Illinois~~ Asbestos Abatement Act;

vii) ~~Illinois~~ Commercial and Public Building Asbestos Abatement Act;

viii) USEPA, Asbestos Model Accreditation Plan, ~~(~~40 CFR 763~~,~~ Appendix C to Subpart E (40 CFR 763)~~, effective April 4, 1994~~.

M) Field trip. This includes a field exercise, including a walk-through inspection; on-site discussion about information gathering and the determination of sampling locations; on-site practice in physical assessment; classroom discussion of field exercise.

N) Course review. A review of key aspects of the training course.

4) Management Planner Course. The two-day management planner training course shall include lectures, demonstrations, course review, and a closed-book written examination. The management planner training course shall adequately address the following topics:

A) Course overview. The role and responsibilities of the management planner; operations and maintenance programs; setting work priorities; protection of building occupants;~~,~~ key elements of a management plan;~~.~~

B) Evaluation/interpretation of survey results. Review of TSCA Title II requirements for inspection and management plans for school buildings as given in Section 203(i)(l) of TSCA Title II; interpretation of field data and laboratory results; comparison of field asbestos inspector's data sheet with laboratory results and site survey.

C) Hazard assessment. Amplification of the difference between physical assessment and hazard assessment; the role of the management planner in hazard assessment; explanation of significant damage, damage, potential damage, and potential significant damage; use of a description (or decision tree) code for assessment of ACBM; assessment of friable ACBM; relationship

of accessibility, vibration sources, use of adjoining space, and air plenums and other factors to hazard assessment;~~.~~

D) Legal implications. Liability; insurance issues specific to planners; liabilities associated with interim control measures, in-house maintenance, repair and removal; use of results from previously performed inspections;~~.~~

E) Evaluation and selection of control options. Overview of encapsulation, enclosure, interim operations and maintenance, and removal; advantages and disadvantages of each method; response actions described via a decision tree or other appropriate method; work practices for each response action; staging and prioritizing of work in both vacant and occupied buildings; the need for containment barriers and decontamination in response actions;~~.~~

F) Role of other professionals. Use of industrial hygienists, engineers, and architects in developing technical specifications for response actions; any requirements that may exist for architect sign-off of plans; team approach to design of high-quality job specifications;~~.~~

G) Developing an operations and maintenance (O & M) plan. Purpose of the plan; discussion of applicable USEPA guidance documents; what actions should be taken by custodial staff; proper cleaning procedures; steam cleaning and HEPA vacuuming; reducing disturbance of ACBM; scheduling O & M for off-hours; rescheduling or canceling renovation in areas with ACBM; boiler room maintenance; disposal of ACBM; in-house procedures for ACBM-bridging and penetrating encapsulants; pipe fittings; metal sleeves; polyvinyl chloride (PVC), canvas, and wet wraps; muslin with straps, fiber mesh cloth; ACBM floor tile and mastic, mineral wool, and insulating cement; discussion of employee protection programs and staff training; case study in developing an O & M plan (development, implementation process, and problems that have been experienced);~~.~~

H) Regulatory review. The following topics shall ~~should~~ be covered:

i) OSHA, Safety and Health Regulations for ~~Asbestos~~ Construction – Asbestos, ~~Standard found at~~ (29 CFR 1926.1101);

ii) USEPA, National Emission Standard for Hazardous Air Pollutants (NESHAP) ~~found at~~ ~~(40 CFR 61~~, Subparts A (General Provisions) and M (National Emission Standard for Asbestos) (40 CFR 61);

iii) USEPA, Worker Protection, Subpart G ~~Rule~~ ~~found at~~ (40 CFR 763~~, Subpart G~~;

iv) TSCA Title II (15 USC 2643).

I) Record keeping ~~Recordkeeping~~ for the management planner. Use of field inspector's data sheet along with laboratory results; ongoing record keeping ~~on-going recordkeeping~~ as a means to track asbestos disturbance; procedures for record keeping ~~recordkeeping;~~.

J) Assembling and submitting the management plan. Plan requirements for schools in TSCA Title II Section 203(i)(l); the management plan as a planning tool;~~.~~

K) Financing abatement actions. Economic analysis and cost estimates; the development of cost estimates; present costs of abatement versus future operation and maintenance costs; grants and loans; and~~.~~

L) Course review. A review of key aspects of the training course.

5) Project Designer Course. The project designer three-day training course shall include lectures, demonstrations, a field trip, course review and a closed-book written examination. The abatement project designer training course shall address the following topics:

A) Background information on asbestos. Identification of asbestos; examples and discussion of the uses and locations of asbestos in buildings; physical appearance of asbestos;~~.~~

B) Potential health effects related to asbestos exposure. Nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of a safe exposure level; the synergistic effect between cigarette smoking and asbestos exposure; the latency period of asbestos-related diseases; a discussion of the relationship between asbestos exposure and asbestosis, lung cancer, mesothelioma, and cancers of other organs;~~.~~

C) Overview of abatement construction projects. Abatement as a portion of a renovation project; OSHA requirements for notification of other asbestos abatement contractors on a multi-employer site (29 CFR 1926.1101);~~.~~

D) Safety system design specifications. Design, construction, and maintenance of containment barriers and decontamination enclosure systems; positioning of warning signs; electrical and ventilation system lock-out; proper working techniques for minimizing fiber release; entry and exit procedures for the work area; use of wet methods; proper techniques for initial cleaning; use of negative pressure exhaust ventilation equipment; use of HEPA vacuums; proper clean-up and disposal of asbestos; work practices as they apply to encapsulation, enclosure, and repair; use of glovebags ~~glove bags~~ and a demonstration of glovebag ~~glove bag~~ use;~~.~~

E) Field trip. A visit to an abatement site or other suitable building site, including on-site discussions of abatement design, building walk-through inspection and a discussion of rationale for the concept of functional spaces during the walk-through;~~.~~

F) Employee personal protective equipment. Classes and characteristics of respirator types; limitations of respirators; proper selection, inspection, donning, use, maintenance, and storage procedures for respirators; methods for field testing of the facepiece-to-face seal (positive and negative pressure fit checks); qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors that alter respirator fit (e.g., facial hair); the components of a proper respiratory

protection program; selection and use of personal protective clothing; use, storage, and handling of nondisposable ~~non-disposable~~ clothing;~~.~~

G) Additional safety hazards. Hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire~~,~~ and explosion hazards;~~.~~

H) Fiber aerodynamics and control. Aerodynamic characteristics of asbestos fibers; importance of proper containment barriers; settling time for asbestos fibers; wet methods in abatement; aggressive air monitoring following abatement; aggressive air movement and negative pressure exhaust ventilation as a clean-up method;~~.~~

I) Designing abatement solutions. Discussions of removal, enclosure, and encapsulation, operation and maintenance and repair methods; asbestos waste disposal;~~.~~

J) Final clearance process. Discussion of the need for a written sampling rationale for aggressive final air clearance; requirements of a complete visual inspection; and the relationship of the visual inspection to final air clearance;~~.~~

K) Budgeting/cost estimating. Development of cost estimates; present costs of abatement versus future operation and maintenance costs; setting priorities for abatement jobs to reduce costs;~~.~~

L) Writing abatement specifications. Preparation of and need for a written project design; means and methods specifications versus performance specifications; design of abatement in occupied buildings; modification of guide specifications for a particular building; worker and building occupant health/medical considerations; replacement of ACBM with non-asbestos substitutes;~~.~~

M) Preparing abatement drawings. Significance and need for drawings, use of as-built drawings as base drawings; use of inspection photographs and on-site reports; methods of preparing

abatement drawings; diagramming containment barriers; relationship of drawings to design specifications; particular problems related to abatement drawings;~~.~~

N) Contract preparation and administration;~~.~~

O) Legal liabilities/defenses. Insurance considerations; bonding; hold-harmless clauses; use of asbestos abatement contractor's liability insurance; claims made versus occurrence policies;~~.~~

P) Replacement. Replacement of asbestos with asbestos-free substitutes;~~.~~

Q) Role of other consultants. Development of technical specification sections by industrial hygienists or engineers; the multi-disciplinary team approach to abatement design;~~.~~

R) Occupied buildings. Special design procedures required in occupied buildings; education of occupants; extra monitoring recommendations; staging of work to minimize occupant exposure; scheduling of renovation to minimize exposure;~~.~~

S) Relevant federal, State, and local regulatory requirements, procedures and standards, including but not limited to this Part and the following:

i) ~~Requirements of~~ TSCA, Title II [15 USC 2643];~~.~~

ii) USEPA, National Emission Standards for Hazardous Air Pollutants ~~(40 CFR 61)~~, Subparts A (General Provisions) and M (National Emission Standard for Asbestos) (40 CFR 61);~~.~~

iii) OSHA, Occupational Safety and Health Standards – Respiratory Protection ~~Respirator Standard found at~~ (29 CFR 1910.134);~~.~~

iv) USEPA, Worker Protection, Subpart G ~~Rule found at~~ (40 CFR 763;~~, Subpart G.~~

v) OSHA, Safety and Health Regulations for ~~Asbestos~~ Construction – Asbestos ~~Standard found at~~ (29 CFR 1926.1101)~~;~~.

vi) OSHA, Hazard Communication Standard ~~found at~~ (29 CFR 1926.59)~~;~~.

vii) ~~Illinois~~ Asbestos Abatement Act~~;~~.

viii) ~~Illinois~~ Commercial and Public Building Asbestos Abatement Act~~;~~.

ix) USEPA, Asbestos Model Accreditation Plan ~~(40 CFR 763~~, Appendix C to Subpart E (40 CFR 763)~~, revised April 4, 1994~~.

T) Course review. A review of key aspects of the training course.

6) Project Monitor Course. The project monitor five-day training course shall include lectures, demonstrations, at least eight hours of hands-on training, course review, and a closed-book written examination. The project monitor training course shall address the following topics:

A) Roles and responsibilities of the project monitor. Definition and responsibilities of the project monitor, including regulatory/specification compliance monitoring, air monitoring, conducting visual inspections and final clearance monitoring;

B) Characteristics of asbestos and asbestos-containing materials. Typical uses of asbestos; physical appearance of asbestos; review of asbestos abatement and control techniques; presentation of the health effects of asbestos exposure, including routes of exposure, dose response relationships, and latency periods for asbestos-related diseases;

C) Federal asbestos regulations. Overview of pertinent EPA regulations, including: NESHAP, 40 CFR 61, Subparts A and M; and the Asbestos Hazard Emergency Response Act (AHERA) [15 USC 2651]. Overview of pertinent OSHA Safety and Health

Regulations for Construction, 29 CFR 1926.1101; Respiratory Protection, 29 CFR 1910.134; and applicable State and local asbestos regulations; regulatory interrelationships;

D) Understanding building construction and building systems. Building construction basics, building physical plan layout; understanding building systems (HVAC, electrical, etc.); layout and organization, where asbestos is likely to be found in building systems; renovations and the effect of asbestos abatement on building systems;

E) Asbestos abatement contracts, specifications, and drawings. Basic provisions of the contract; relationships between principal parties, establishing chain of command; types of specifications, including means and methods, performance, and proprietary and nonproprietary; reading and interpreting records and abatement drawings; discussion of change orders; common enforcement responsibilities and authority of project monitor;

F) Response actions and abatement practices. Pre-work inspections; pre-work considerations, pre-cleaning of the work area, removal of furniture, fixtures, and equipment; shutdown/modification of building systems; construction and maintenance of containment barriers, proper demarcation of work areas; work area entry/exit, hygiene practices; determining the effectiveness of air filtration equipment; techniques for minimizing fiber release, wet methods, continuous cleaning; abatement methods other than removal; abatement area clean-up procedures; waste transport and disposal procedures; and contingency planning for emergency response;

G) Asbestos abatement equipment. Typical equipment found on an abatement project; air filtration devices, vacuum systems, negative pressure differential monitoring; HEPA filtration units, including theory of filtration, design/construction, qualitative and quantitative performance, sizing the ventilation requirements, and location; qualitative and quantitative tests of containment barrier integrity; and best available technology;

H) Personal protective equipment. Proper selection of respiratory

protection; classes and characteristics of respirator types; limitations of respirators; proper use of other safety equipment; protective clothing selection, use, and proper handling;, hard/bump hats and safety shoes; breathing air systems; high pressure versus low pressure; testing for Grade D air; and determining proper backup air volumes;

I) Air monitoring strategies. Sampling equipment; sampling pumps (low versus high volume); flow-regulating devices (critical and limiting orifices); use of fibrous aerosol monitors on abatement projects; sampling media; types of filters; types of cassettes; filter orientation, storage and shipment of filters; calibration techniques, primary calibration standards, secondary calibration standards, temperature/pressure effects, and frequency of calibration; record keeping and field work documentation; calculations; air sample analysis, techniques available and limitations of AHERA on their use; TEM (background to sample preparation and analysis, air sample conditions that prohibit analysis, USEPA's recommended technique for analysis of final air clearance samples); PCM (background to sample preparation, and AHERA's limits on the use of PCM); what each technique measures; analytical methodologies; AHERA TEM protocol; NIOSH 7400; OSHA reference method (nonclearance); USEPA recommendation for clearance (TEM); sampling strategies for clearance monitoring, types of air samples (personal breathing zone versus fixed station area), sampling location and objectives (pre-abatement, during abatement, and clearance monitoring); number of samples to be collected; minimum and maximum air volumes; clearance monitoring (post-visual inspection), number of samples required, selection of sampling locations, period of sampling, aggressive sampling, interpretations of sampling results, calculations; quality assurance; special sampling problems, crawl spaces, acceptable samples for laboratory analysis, sampling in occupied buildings (barrier monitoring);

J) Safety and health issues other than asbestos. Confined-space entry; electrical hazards; fire and explosion concerns; ladders and scaffolding; heat stress; air contaminants other than asbestos; fall hazards; and hazardous materials on abatement projects;

K) Conducting visual inspections. Inspections during abatement and visual inspections; conducting inspections for completeness of removal; and discussion of ‘‘how clean is clean?’’;

L) Legal responsibilities and liabilities of project monitors. Specification enforcement capabilities; regulatory enforcement; licensing; and authority delegated to project monitors through contract documents;

M) Record keeping and report writing. Developing project logs/daily logs (what should be included, who sees them); final report preparation; and record keeping under federal regulations incorporated in this Part;

N) Workshops (eight hours spread over three days). Contracts, specifications and drawings: This workshop could consist of each participant being issued a set of contracts, specifications and drawings and then being asked to answer questions and make recommendations to a project architect or engineer or to the building owner based on given conditions and these documents. Air monitoring strategies/asbestos abatement equipment: This workshop could consist of simulated abatement sites for which sampling strategies would have to be developed (i.e., occupied buildings, industrial situations). Through demonstrations and exhibition, the project monitor may also be able to gain a better understanding of the function of various pieces of equipment used on abatement projects (air filtration units, water filtration units, negative pressure monitoring devices, sampling pump calibration devices, etc.). Conducting visual inspections: This workshop could consist, ideally, of an interactive video in which a participant is ‘‘taken through’’ a work area and asked to make notes of what is seen. A series of questions will be asked that are designed to stimulate a person’s recall of the area. This workshop could consist of a series of two or three videos with different site conditions and different degrees of cleanliness.

d) Any proposed alterations to an approved training course, such as course materials, instructors~~,~~ or examinations, shall be submitted to the Department for review and approval prior to implementation.

e) Each accredited discipline and training curriculum is separate and distinct from the others. Project managers who complete an asbestos abatement contractor/supervisor initial or refresher training course shall be allowed to continue their accreditation by taking the project monitor refresher course in lieu of completing the project monitor initial course. All training courses shall be conducted in the state of Illinois for the certification to be accepted for licensure. A person may not attend two or more courses concurrently.

f) Each person who successfully completes an accredited training course shall be issued a certificate containing the following required information:

1) A unique certificate number;

2) The name ~~Name~~ of the accredited person;

3) The type of training course (worker, asbestos abatement contractor/supervisor, asbestos inspector, management planner, project designer, or project monitor) and whether the course is initial or refresher;

4) The complete name, address, and telephone number of the training course provider that issued the certificate;

5) The dates of the training course;

6) The expiration date of one year after the date on ~~upon~~ which the person successfully completed the course and examination;

7) The examination date;

8) A statement that the training course is accredited by the Illinois Department of Public Health;

9) A statement that the person receiving the certificate has completed the requisite training for asbestos accreditation under TSCA Title II;

10) The location of the course if different from the training course provider's address; and

11) The language in which the course was taught, if other than English.

g) Training course sponsors shall not issue any document that could be construed as a certificate of successful completion without the written approval of the Department.

h)~~g)~~ Examinations~~.~~

1) A closed-book examination shall be given at the completion of an initial or refresher training course. The examination shall cover the topics included in the training course for that discipline.

2) A person shall pass the examination with a score of at least 70% ~~in order~~ to receive accreditation.

3) Students shall be allowed to retake the examination twice in a two-week time period following the date of the initial failure. After three successive failures, the student shall retake the full course before being allowed to retest.

4) The following are the minimum requirements for the number of examination questions in each discipline (all questions shall be multiple choice ~~multiple-choice~~):

A) Asbestos Worker Initial - 50

B) Asbestos Worker Refresher - 25

C) Asbestos Abatement Contractor/Supervisor Initial - 100

D) Asbestos Abatement Contractor/Supervisor Refresher - 50

E) Asbestos Inspector - 50

F) Asbestos Inspector Refresher - 25

G) Management Planner - 50

H) Management Planner Refresher - 25

I) Project Designer - 100

J) Project Designer Refresher - 50

K) Project Monitor Initial – 100

L) Project Monitor Refresher – 50

5) The training course provider shall administer and monitor all course examinations. The training course provider shall ensure that each person passes the closed-book examination on his or her own merit. For all examinations, the training provider shall maintain supervision during the examination, and shall ensure that there is ample space between persons and that written materials other than the examination are not accessible.

i)~~h)~~ Continuing Education~~.~~

1) Annual refresher training is required for all disciplines as follows ~~indicated below~~:

A) Asbestos Workers: One full day of refresher training;~~.~~

B) Asbestos Abatement Contractor/Supervisors: One full day of refresher training;~~.~~

C) Asbestos Inspectors: One half-day of refresher training;~~.~~

D) Management Planners: One half-day of inspector refresher training and one half-day of refresher training for management planners;~~.~~

E) Project Designers: One full day of refresher training;~~.~~

F) Project Monitors: One full day of refresher training.

2) The refresher courses shall be specific to each discipline. Refresher courses shall be conducted as separate and distinct courses and not be combined with any other training during the period of the refresher course.

3) For each discipline, the refresher course shall review and discuss changes in federal, State, and local regulations, developments in state-of-the-art procedures, and a review of key aspects of the initial training course. After successfully completing the annual refresher course, persons shall have their accreditation extended for an additional year from the date of the refresher course. An annual refresher exam is required (see subsection (h)~~(g)~~ of this Section).

4) A 12-month grace period shall be allowed to enable formerly accredited persons with expired certificates to complete refresher training and have their accreditation status reinstated without being required to retake the initial training course. The 12-month grace period shall begin on the expiration date of the certificate (see Section 855.100 (m ~~j~~)).

5) The training provider shall verify that each student possesses valid accreditation before granting admission to the refresher course and that the refresher course is for the same discipline as the initial course. Valid accreditation means that the student's most recent accreditation has not been expired for a period more than 12 months from the expiration date.

j)~~i)~~ Training Length~~.~~

1) One day of training shall equal eight hours, including two 15-minute breaks and one hour for lunch. One half-day of training shall equal four hours, including one 15-minute break.

2) Course providers may segment courses subject to the following restrictions:

A) The total hours required for each discipline shall be completed within a single two-week time frame ~~timeframe~~.

B) No more than eight hours of training shall be given per day.

C) Evening instruction shall not exceed a maximum of four hours in any single session.

k)~~j)~~ Instructors~~.~~

1) All individuals desiring to become training course instructors for those

disciplines regulated under this Part must receive approval from the Department prior to teaching. The Department will ~~shall~~ issue a "Letter of Approval" to qualified applicants. To ~~In order to~~ qualify as an approved training course instructor, the applicant shall submit the following to the Department:~~.~~

A) A completed training course instructor application form provided by the Department;~~.~~

B) A certificate of successful completion of a USEPA- or State-approved course specific to the discipline for which he or she ~~he/she~~ is applying to teach; and~~.~~

C) Written verification of a minimum of six months (1,040 hours) of experience (occupational or ~~and/or~~ educational) directly related to the discipline of the course for which he or she ~~he/she~~ is applying.

2) Training course providers shall submit to the Department all changes to their list of approved instructors and the courses that ~~which~~ they teach.

3) An instructor shall not be permitted to submit a certificate of successful completion from a course that he or she ~~he/she~~ has instructed. For ~~In order for~~ the certificate of accreditation to be valid and acceptable for licensure or approval as an instructor, the instructor shall successfully complete a course conducted by a company for which he or she ~~he/she~~ is not employed.

l)~~k)~~ All training providers shall comply with the following minimum record-keeping ~~recordkeeping~~ requirements:

1) Training course materials. A training provider shall ~~must~~ retain copies of all instructional materials used in the delivery of the classroom training, such as student manuals, instructor notebooks and handouts.

2) Instructor qualifications. A training provider shall ~~must~~ retain copies of all instructors' resumes~~,~~ and the documents issued by the Department approving each instructor ~~issued by the Department~~. Records shall ~~must~~ accurately identify the instructors who ~~that~~ taught each particular course for each date that a course is offered.

3) Examinations. A training provider shall ~~must~~ document that each person who receives an accreditation certificate for an initial or refresher training course has achieved a passing score on the examination. These records shall ~~must~~ indicate the date the exam was administered, the training course and discipline for which the exam was given, the name of the person who proctored the exam, a copy of the exam, and the name and test score of each person taking the exam. The topic and dates of the training course shall ~~must~~ correspond to those listed on that person's accreditation certificate.

4) Accreditation certificates. A training provider shall maintain records that document the names of all persons who have been awarded certificates, their certificate numbers, the disciplines for which accreditation was conferred, training and expiration dates~~,~~ and the training location. The training provider shall maintain the records in a manner that allows verification of the required information by telephone.

5) Attendance Sheets. The training course provider shall maintain attendance sheets, such as sign in/out sheets, that document the presence of all persons attending the course and an inspection of each person's government –issued identification. The attendance sheets shall include each person's name, signature, ~~and~~ training date and government-issued identification number. ~~Records retention and access.~~

~~A)~~ ~~The training provider shall maintain all required records for a minimum of six years.~~

~~B)~~ ~~The training provider shall, upon request, allow reasonable access by the Department to all of the records.~~

~~C)~~ ~~If a training provider ceases to conduct training, the training provider shall notify the Department and provide the Department the opportunity to take possession of that provider's asbestos training records.~~

m)~~l)~~ Training course providers shall permit representatives of the Department to attend, evaluate, and monitor any training course without charge. The Department's compliance inspection staff is ~~are~~ not required to give advance

notice of ~~their~~ inspections.

n)~~m)~~ The training course provider shall complete the notification form provided by the Department and submit the form ~~shall be completed and submitted~~ to the Department ~~by the training course provider~~ for each offering of an accredited training course. The notice shall be submitted electronically in the format specified by the Department. Notifications shall be received by the Department at least 10 working days but no more than 30 working days prior to commencement of training. Any cancellations or changes in the notification or instructors shall be submitted prior to implementing the change ~~at least 48 hours before the course commencement~~.

o)~~n)~~ The provider of an accredited training course shall submit to the Department a list of students who passed the exam, using the class list form provided by the Department, no later than 10 working days after the last day of the training course. The class list shall be submitted electronically in the format specified by the Department. All requested information shall be provided and shall be legible.

p)~~o)~~ Accreditation of initial and refresher training courses shall expire one year from the date of accreditation. For accreditation to be renewed, a renewal fee of $500 must be received by the Department prior to the expiration of course accreditation. If a renewal fee is received after the expiration date, the provider shall pay in addition a late fee of $100. Accreditation of a training course that ~~which~~ has been expired for more than one year may ~~only~~ be restored only by reapplying.

q)~~p)~~ A training course may be offered in a language other than English, provided that ~~. For courses to be presented in a language other than English,~~ the following requirements are met ~~shall be submitted~~:

1) All course materials shall be ~~both~~ in both English and ~~in~~ the non-English language.

2) The training course provider shall provide written assurance that the translation is technically representative of the English version of the course materials submitted.

3) The course certificate shall be in English and specify the language in which the course was conducted.

4) Instructors shall be fluent in the language of the course being presented. The use of interpreters is not permitted.

r)~~q)~~ If the Department finds that a training course provider or instructor is not in compliance with this Part, the Department may suspend, revoke, or deny accreditation of a course. The Department will ~~shall~~ provide written notice of its decision. The training course provider shall have 15 days to make a written request for an administrative hearing to contest the Department's decision. In addition, the Department may deny or revoke course accreditation or instructor approval for the following or similar reasons:

1) Misrepresentation that ~~of~~ a training course is approved ~~course's approval~~ by the Department;~~.~~

2) Falsification of accreditation records, instructor qualifications~~,~~ or other accreditation information;~~.~~

3) Conviction of a violation of the Consumer Fraud and Deceptive Business Practice Act ~~[815 ILCS 505]~~;~~.~~

4) Conviction of a violation of any provisions of training course laws in any other state, or any laws or rules relating to asbestos training courses;~~.~~

5) Fraudulent advertising or solicitations relating to asbestos training courses; or~~.~~

6) Failure to maintain approval of a course by USEPA or a state in accordance with 40 CFR 763, Appendix C to Subpart E~~, revised April 4, 1994~~.

s) Record keeping

1) The training provider shall maintain all required records for a minimum of six years.

2) The training provider shall allow access by the Department to all records pertaining to the current training courses.

3) If a training provider ceases to conduct training, the training provider shall notify the Department and surrender all training course documents to the Department.

(Source: Amended at 37 Ill. Reg._____, effective _____)

SUBPART C: RESPONSIBILITIES OF LICENSED PERSONNEL

Section 855.125 Asbestos Inspector Responsibilities

a) The Department will prepare and maintain a list of asbestos inspectors. The list will be made available to all school boards and CPB owners and shall be used to select an asbestos inspector.

b) An asbestos inspector shall prepare and develop the asbestos inspection report for a school building or CPB. All bulk sample analyses shall be conducted by a laboratory accredited by the National Voluntary Laboratory Accreditation Program (NVLAP).

c) In accordance with 40 CFR 763.85, the asbestos inspector shall be responsible for carrying out the following activities during school building inspections:

1) Verify that all six-month periodic surveillances have been completed and documented since the last three-year re-inspection.

2) Indicate the presence, location and quantities of all ACBM in the inspection report in accordance with Section 855.260.

3) Verify that asbestos warning labels are in place where required.

4) Inform the management planner of all existing floor tile, mastic and multi-layered materials that have had a negative analysis by PLM. Materials with a negative analysis by PLM shall be analyzed using TEM method to determine that the materials are negative prior to any disturbance of the material.

5) Notify the management planner, in writing, of all of the record-keeping documents that are required by Section 855.250 that are missing, such as annual notifications, six-month periodic surveillances, inspections,

response action documentation, custodial and maintenance training documentation and ACBM.

6) Include in the inspection report the asbestos inspector's Department-issued license identification number and handwritten signature certifying that the inspection report is complete. The completed report shall contain only correct and accurate information.

d) The asbestos inspector shall be responsible for carrying out the following activities in CPBs:

1) Indicate the presence, location and quantities of all ACBM in the inspection report in accordance with Section 855.210;

2) Provide a written inspection report to the building owner prior to renovation; and

3) Include in the inspection report the asbestos inspector's Department-issued license identification number and handwritten signature certifying that the inspection report is complete. The completed report shall contain only correct and accurate information.

(Source: Added at 37 Ill. Reg._____, effective _____)

Section 855.130 Asbestos Abatement Contractor Responsibilities

Any person acting as an asbestos abatement contractor in a CPB or school is required to be licensed as an asbestos abatement contractor in accordance with the Act and Section 855.110. The asbestos abatement contractor shall be responsible for the following:

a) Ensure that all general response action techniques, including removal, encapsulation, enclosure and repair of ACBM, are executed in accordance with this Part on all asbestos abatement projects;

b) Ensure that all asbestos workers and supervisors employed by the asbestos abatement contractor are licensed by the Department and possess a valid training certificate;

c) Prior to and during project activities, ensure that all employees who are conducting project activities possess, on the job site, a valid original current

license and a valid training certificate issued by the Department;

d) Ensure that all suspected asbestos-containing material affected by the renovation or demolition has been sampled for asbestos by an asbestos inspector. Copies of the inspection report shall be maintained on the abatement site; and

e) Maintain a copy of the project design on site for the duration of each school response action, and CPB response action where applicable.

(Source: Added at 37 Ill. Reg._____, effective _____)

Section 855.135 Asbestos Consultant Responsibilities

Any person conducting asbestos consultant services in a CPB or school is required to be licensed as an asbestos consultant in accordance with the Act and Section 855.105. The asbestos consultant shall be responsible for the following:

a) Prior to and during activities that require a license, ensure that all employees who are conducting asbestos professional services possess, on the job site, a valid training certificate and an original current license issued by the Department;

b) Ensure that all activities of the asbestos professionals are conducted in accordance with the Asbestos Abatement Act, Commercial and Public Building Asbestos Abatement Act, this Part and any project design documents;

c) Ensure that the asbestos abatement contractor and project manager receive a copy of the final project design specifications, prior to the commencement of project activities, when a project design is completed for a response action;

d) For all school projects, ensure that the Project Manager's (PM) Report Form and the comprehensive final report, as required by Section 855.170, are submitted to the Department; and

e) Prior to and during project activities, submit to the Department any changes in the names and license numbers of asbestos professionals, including project manager and air sampling professional.

(Source: Added at 37 Ill. Reg._____, effective _____)

Section 855.140 Supervisor Responsibilities

a) The supervisor shall be the asbestos abatement contractor's designated representative who is licensed by the Department, and shall be responsible for carrying out the following activities:

1) Assist in decision making ~~decision-making~~ regarding selection of procedures;~~.~~

2) Review variance requests in accordance with Section 855.25;~~.~~

3) Ensure that all project activities are conducted in accordance with the requirements of the Asbestos Abatement Act or the Commercial and Public Building Asbestos Abatement Act, as applicable, and this Part.

4) Supervise project activities at all times. The supervisor shall ~~must~~ enter the contained area as part of supervision;~~.~~

5) Meet with the project manager daily to review work progress and solve problems or adjust procedures as appropriate;~~.~~

6) Prior to and during project activities, ensure ~~the contractor, or his designee, is responsible for assuring~~ that all employees of the asbestos abatement contractor who are conducting project activities possess, on the job site, a valid original current license issued by the Department. A copy of the license is not acceptable for meeting this requirement; and~~.~~

7) Maintain a photocopy ~~The contractor, or his designee, shall make a copy~~ of the original license and current Department approved training certificate of all employees of the asbestos abatement contractor who are conducting project activities ~~the copy shall be available~~ at the project site.

b) On all ~~school~~ projects, one project supervisor per decontamination unit is required.

(Source: Amended at 37 Ill. Reg._____, effective _____)

Section 855.150 Project Designer Responsibilities

a) The Department will ~~shall~~ prepare and maintain a list of ~~licensed~~ project designers. The list will ~~shall~~ be made available upon request and shall be used to select a project designer.

1) All school asbestos abatement projects shall be designed by a ~~Department licensed~~ project designer in accordance with the requirements of this Section.

2) If a commercial or public building project is designed, the design shall be completed by a Department-licensed designer in accordance with the requirements of this Section.

b) In accordance with 40 CFR 763.90, a ~~licensed~~ project designer shall design response actions for the LEA.

c) The project designer shall plan the abatement project in accordance with all federal regulations and State administrative rules governing such action (i.e., 40 CFR 61; 29 CFR 1910 and 1926 and this Part) and the response action recommendations of the management plan, if a plan is used ~~utilized~~.

1) All ~~such~~ planning shall be undertaken in compliance with the relevant provisions of the Illinois Architecture Practice Act of 1989 ~~[225 ILCS 305]~~, the Illinois Professional Engineering Practice Act of 1989 ~~[225 ILCS 325]~~, the ~~Illinois~~ Structural Engineering Practice Act of 1989 ~~[225 ILCS 340]~~ and the ~~Illinois~~ School Code ~~[105 ILCS 5]~~.

2) A licensed industrial hygienist ~~Industrial Hygienist~~ who is a ~~licensed~~ project designer may act as an asbestos project designer when a project design ~~only~~ applies to interior alterations of surface materials in an existing building and does not result in life safety changes to the building or changes to the electrical, heating, air conditioning, physical plant or associated piping. Interior alterations of any public building that ~~which~~ result in life safety or structural changes to ~~of~~ the building are subject to the requirements of the Illinois Architecture Practice Act of 1989 ~~[225 ILCS 305]~~ and shall ~~must~~ be performed under the direct supervision and control of an architect licensed under that Act.

3) The project designer shall certify that the project design meets or exceeds all federal, State, and local regulations and codes.

d) The project designer shall design or directly supervise preparation of the specifications and plans for each individual project. These contract documents shall include the designer's Department-issued license identification ~~I.D.~~ number and handwritten signature certifying that the contract documents are complete. The completed contract documents shall contain only correct and accurate information.

1) Project design documents shall contain the following information:

A) A drawing ~~General location~~ of the work area ~~project~~ within the facility;~~.~~

B) Locations of mini-containments, if applicable;~~.~~

C) Location of barriers;~~.~~

D) Location of the worker decontamination enclosure system or systems; ~~system(s).~~

E) Location of equipment decontamination enclosure system or systems; ~~system(s).~~

F) Location where negative air machines are to exhaust;~~.~~

G) Number of negative air machines required to maintain the required four air changes per hour for contained work areas; and

H) Bulk sample analytical results of all suspected materials affected by the scope of the project.

2) All ~~Any and all~~ changes to the design shall be verified by the project designer and shall bear his or her Department-issued license identification ~~I.D.~~ number and handwritten signature.

e) The abatement project designer shall be responsible for the design specifications and plans that he or she has prepared ~~by him or her~~ in accordance with applicable laws and standards ~~standard of~~ required of those providing professional services.

~~f) Prior to and during project activities in school buildings, the project designer shall submit to the Department any changes in the names and addresses of any project~~

~~manager and air sampling professional.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 855.160 Management Planner Responsibilities

a) The Department will ~~shall~~ prepare and maintain a list of ~~licensed~~ management planners. The list will ~~shall~~ be made available to all school boards or building owners and shall be used to select a management planner.

b) In accordance with 40 CFR 763.93, a ~~licensed~~ management planner shall prepare and develop the asbestos management plan for a school building. This plan shall be prepared from the inspection report that ~~which~~ contains the assessment conducted ~~done~~ by the ~~licensed~~ asbestos inspector. All ~~and the~~ bulk sample analyses shall be conducted ~~done~~ by a laboratory accredited by the NVLAP ~~USEPA approved laboratory~~. A ~~licensed~~ management planner shall review a report on a re-inspection ~~reinspection~~ required by 40 CFR 763.88 (d) ~~85(b)~~ and recommend appropriate response actions in the management plan as required in 40 CFR 763.90.

c) If a management plan is developed for a CPB, the plan shall comply with 40 CFR 763.90.

d) The management planner shall be responsible for carrying out the following activities:

1) Verify that all six-month periodic surveillances have been completed and documented since the last three-year re-inspection;

2) Include a drawing that indicates the locations and quantities of all remaining ACBM;

3) Verify with the inspection report that asbestos warning labels are in place where required;

4) Inform the LEA that all existing floor tile, mastic and multi-layered materials that have a negative analysis by PLM shall be analyzed using the TEM method for determining that the material is negative prior to any disturbance of the material; and

5) Notify the LEA and the Department, in writing, of all of the record-keeping documents required by Section 855.250 that are missing, such as annual notifications, six-month periodic surveillances, inspections, response action documentation, custodial and maintenance training documentation, and of missing ACBM.

e) The management plan shall include the management planner's Department-issued license identification number and handwritten signature certifying that the management plan is complete. The completed management plan shall contain only correct and accurate information.

(Source: Amended at 37 Ill. Reg._____, effective _____)

Section 855.170 Project Manager Responsibilities~~, Air Sampling Professional Responsibilities and Laboratory Services~~

a) Project Manager

1) The project manager shall have a Department-issued license ~~be licensed by the Department~~ in accordance with Section 855.100. For asbestos abatement projects in schools and CPBs, the project manager shall be the building owner's designated representative, and shall be responsible for carrying out the following activities:

A) Maintain, on site, a copy of the complete project design and specifications, including any revisions; ~~Assist in the evaluation of bids and the selection of a contractor.~~

B) Ensure that all project activities are conducted in accordance with the requirements of the Asbestos Abatement Act, ~~and~~ this Part and project design documents; ~~contract document.~~

C) Be on site ~~on-site~~ whenever project activities are taking place; ~~.~~

D) Reject defective barriers and decontamination enclosure systems; ~~.~~

E) Meet with the asbestos abatement contractor daily to review work progress, discuss problems and adjust procedures as appropriate; ~~.~~

F) Report on abatement activities to the building owner or ~~and/or~~ school board;~~.~~

G) For school projects, request ~~Request~~, review and maintain asbestos abatement contractor submission according to Sections 855.290 ~~350~~ and 855.450; and~~.~~

H) Enter the abatement project at least once every two hours to observe ongoing removal of asbestos-containing material.

2) For every decontamination enclosure system, there shall be one project manager.

3) The project manager shall have the authority and duty to stop any job activities not performed in accordance with contract specifications or ~~and~~ any provisions of this Part. The project manager shall verbally notify the building owner and Department ~~shall be notified verbally by the project manager~~ within 24 hours after a work stoppage. A written report shall be submitted to the building owner and the Department with a description of the activity, reason for stoppage and possible means for correcting the problem immediately or as soon as practicable.

4) The project manager shall keep a daily log of on-site ~~onsite~~ observations concerning the asbestos abatement contractor's compliance with activities required under this Part. This log shall be legible and made available upon request at all times to the school board or building owner, the architect/engineer, asbestos abatement contractor, and appropriate local, State and federal agencies.

5) For each asbestos abatement project in a school and CPB, the project manager shall prepare a comprehensive final report. The report shall be submitted to the school board or building owner~~,~~ and the asbestos abatement contractor in writing ~~and the Department within 60 working days following completion of final~~. An electronic copy of the report for all school asbestos abatement projects shall be submitted to the Department on a CD ROM as a single PDF file (not rewritable). There shall be only one report per CD. Copies of the report shall be submitted to the respective parties 60 working days following completion of final clearance air monitoring. An example of the CD label and case cover is provided in

Appendix C, Illustration A. The report shall contain the following items submitted in the following order, with each item labeled (or bookmarked on an electronic copy):

A) Project Manager's Report Form provided by the Department;~~.~~

B) Items submitted by the asbestos abatement contractor under Section 855.290 ~~350~~(a);~~.~~

C) For clearance air samples, the location of the sample, date of sample, start and end times of sampling, sampling air flow rate, volume of air sampled, name and address of laboratory performing the analysis, and name and signature of the analyst;~~.~~

i) When final ~~air~~ clearance air monitoring samples are analyzed by a laboratory using ~~transmission electron microscopy (~~TEM~~)~~, a copy of the ~~National Voluntary Laboratory Accreditation Program (~~NVLAP~~)~~ certificate for airborne asbestos fibers analysis for the laboratory;~~.~~

ii) When final ~~air~~ clearance air monitoring samples are analyzed by ~~Phase Contrast Microscopy~~ ~~(~~PCM~~)~~ in a laboratory, a copy of the Proficiency Analytical Testing (PAT) Program year-to-date performance report for the laboratory. The year-to-date performance report shall ~~should~~ be for the testing round completed closest to the completion of the project, but prior to the completion of the project;~~.~~

iii) When final ~~air~~ clearance air monitoring samples are analyzed by an analyst outside of a laboratory, a copy of the report of performance testing under the ~~(~~Asbestos Analyst Report~~)~~ (AAR) Program for the analyst for the testing round completed prior to the completion of the project, but not after the completion of the project;~~.~~

D) Names, license numbers and current training certificates for asbestos abatement workers who conducted the abatement;~~.~~

E) Name, address, and license number of the asbestos abatement contractor;~~.~~

F) Names, addresses, license numbers, and initial and current training certificates for the project designer, project manager, and asbestos abatement contractor's supervisor or supervisors ~~supervisor(s),~~ and signature of the project manager;~~.~~

G) Name, signature~~,~~ and license number of each air sampling professional;~~.~~

H) Log of negative pressure measurements taken by the asbestos abatement contractor for contained areas, including the average daily readings of negative pressure measurements as recorded by the project manager; ~~The readable tape from the monometer shall serve as the log.~~

I) Alternative procedure or variance ~~Variance~~ requests submitted to the Department, and the Department's responses to those requests;~~.~~

J) Locations, times and results of background, personal~~,~~ and area air samples taken prior to and during the project;~~.~~

K) A detailed description, diagram or blueprint indicating the location of ACBM abated, locations of barriers~~,~~ and locations of decontamination enclosures;~~.~~

L) A detailed description of the project, including a description of abatement methods employed, reasons for the project and for selection of the abatement methods, a description of the types and amounts of ACBM abated~~,~~ and start and completion dates of the project;~~.~~

M) A daily ~~Daily~~ log of observations made by the project manager, including a description of project activities, documentation of smoke testing of barriers by the asbestos abatement contractor, documentation of post-abatement visual inspection of each work area~~,~~ and a description of the procedure used during clearance air sampling;~~.~~

N) Items submitted by the asbestos abatement contractor under Section 855.290 ~~350~~(c) and (d):~~.~~

i) Documentation of arrangements for the transport and disposal of asbestos-containing or contaminated materials and supplies and the name and location of the disposal site;

ii) Drawings for layout and construction of decontamination enclosure systems and barriers for isolation of the work area;

iii) When rental equipment is to be used in removal areas or to transport waste materials, a copy of the written notification to inform the rental company of the nature of use of the rented equipment;

iv) Results of materials testing as conducted before the abatement for purposes of use during abatement activities (e.g., testing of encapsulant for depth of penetration, testing of substitute materials for adherence to encapsulated surfaces);

v) Supervisor logs and job progress reports detailing abatement activities, including a review of progress with respect to previously established schedules, problems and actions taken, injury reports and equipment breakdowns;

vi) Copies of all transport manifests, trip tickets and disposal receipts for all asbestos waste materials removed from the work area during the abatement process, which shall be submitted to the project manager within 10 days after the completion of the project.

vii) Copies of worksite entry log books with information on worker and visitor access; and

viii) Logs documenting filter changes on respirators, HEPA vacuums, negative pressure ventilation units and other engineering controls.

O) For cleaning performed in accordance with Section 855 ~~850~~.400(f)(1)(A), (D) and (E), the names of persons performing the cleaning, the date and locations of the cleaning~~,~~ and the methods used.

6) For each asbestos abatement project in a school, the project manager shall submit a completed Project Manager's Report Form provided by the Department within 10 ~~ten~~ working days following completion of clearance air monitoring. A copy shall be inserted as the first page in the project manager's report.

7) If more than one project manager serves on a project in a school, other than as specified below, the person who oversees the completion of the project shall be responsible for the project report and for submission of the Project Manager's Report Form to the Department. For projects with multiple work areas, each overseen by a different project manager, each project manager shall be responsible for the report and the Project Manager's Report Form for the part of the project in the work area for which he or she was responsible. However, one comprehensive report for the entire project is acceptable.

8) After completion of emergency abatement operations in a CPB, the project manager shall submit a written report to the Department within five business days after the last day of the project. The report shall specify the location of the emergency abatement operation; name of the asbestos abatement contractor, building owner, project manager and air sampling professional; reason why emergency operations were necessary; description of asbestos-containing material; abatement procedures used; and duration of the emergency operation.

~~b) Air Sampling Professional (ASP)~~

~~1) The air sampling professional shall be licensed by the Department in accordance with Section 855.100. The air sampling professional shall~~

conduct or supervise all air sampling for the school board. All projects greater than 160 square feet or 260 linear feet shall be analyzed by Transmission Electron Microscopy (TEM). All other samples may be analyzed by Phase Contrast Microscopy (PCM).

2) Area sampling shall be conducted using collection media and procedures in accordance with NIOSH method 7400. The following schedule shall be utilized for air sampling during the project in addition to any OSHA compliance monitoring required to be conducted by the contractor:

A) Background air samples shall be collected and analyzed prior to the start of project activities in order to determine background airborne fiber concentrations. Samples shall be taken both inside and outside of the work area to establish existing levels.

B) The following schedule of samples shall be required on a daily basis once abatement activities begin. The size of the abatement activity will have impact on the number of samples necessary to monitor the contractor's activities. The following are required minimums:

i) Two area samples inside the work area;

ii) One personal sample inside the work area;

iii) Two area samples outside the work area in uncontaminated areas of the building, including one at the entrance to the worker decontamination enclosure; and

iv) One area sample at each discharge from negative pressure ventilation equipment to the outside of the building.

C) Air monitoring results shall be documented and retained on-site.

e) Analyst Services

1) When final clearance air monitoring samples are anlyzed by a laboratory using TEM, the laboratory shall be accredited by the NIOSH National Voluntary Laboratory Accreditation Program (NVLAP) for airbone asbestos fiber analysis.

~~2)~~ ~~When final clearance air monitoring samples are analyzed by PCM in a laboratory, the laboratory shall be considered proficient in asbestos analysis by the American Industrial Hygiene Association (AIHA) Proficiency Analytical Testing (PAT) Program for PCM.~~

~~3)~~ ~~When final air clearance air monitoring samples are analyzed by an analyst outside of a laboratory, the analyst analyzing the samples shall be considered proficient (board approved) by the American Industrial Hygiene Association's (AIHA) Asbestos Analyst Registry (AAR) Program.~~

~~4)~~ ~~The period of time permitted between the collection of daily air samples and the availability of results shall be less than 24 hours for samples collected during abatement activities. Timetables for results of clearance air samples shall be established by the school board or building owner.~~

b~~d~~) Project Manager/Air Sampling Professional Duties Combined
The project manager and air sampling professional shall be two separate individuals for each contained area. Duties may ~~only~~ be combined only for abatement project activities when the contained area is less than or equal to 10,000 square feet or less than or equal to 1,500 linear feet of pipe insulation in one contained area and decontamination enclosure system. A person licensed as both a Project Manager and licensed Air Sampling Professional will be allowed to conduct combined duties.

(Source: Amended at 37 Ill. Reg._____, effective _____)

Section 855.180 Air Sampling Professional Responsibilities

a) Air Sampling Professional (ASP)

1) The air sampling professional shall have a Department-issued license in accordance with Section 855.100. The air sampling professional shall conduct all air monitoring for school projects and all clearance air monitoring for CPB projects. All clearance air monitoring samples on projects greater than 160 square feet or 260 linear feet shall be analyzed by TEM. All other clearance air monitoring samples may be analyzed by PCM.

2) Area sampling shall be conducted using collection media and procedures in accordance with NIOSH method 7400. The following schedule shall be used for air sampling during school projects in addition to any OSHA compliance monitoring required to be conducted by the asbestos abatement contractor:

A) Background air samples shall be collected and analyzed prior to the start of project activities to determine background airborne fiber concentrations. Samples shall be taken both inside and outside of the work area to establish existing levels.

B) The following schedule of samples shall be required on a daily basis once abatement activities begin. The size of the abatement activity will have an impact on the number of samples necessary to monitor the asbestos abatement contractor's activities. The following are required minimums:

i) Two area samples inside the work area;

ii) Two area samples outside the work area in uncontaminated areas of the building, including one at the entrance to the worker decontamination enclosure; and

iii) One area sample at each discharge from negative pressure ventilation equipment to the outside of the building.

C) Air monitoring results shall be documented and retained on site.

b) Air Sampling Professionals shall ensure that all analytical services comply with the following:

1) When final clearance air monitoring samples are analyzed by a laboratory using TEM, the laboratory shall be accredited by the National Institute for Standards and Technology (NIST) (NVLAP) for airborne asbestos fiber analysis.

2) When final clearance air monitoring samples are analyzed by PCM in a laboratory, the laboratory shall be considered proficient in asbestos

analysis by the American Industrial Hygiene Association (AIHA) PAT Program for PCM.

3) Final clearance air monitoring samples are analyzed and considered proficient (board approved) by the AIHA's Asbestos Analyst Registry (AAR) Program.

4) The period of time permitted between the collection of daily air samples and the availability of results shall be less than 24 hours for samples collected during abatement activities.

5) The school board or building owner shall establish timetables for obtaining results of clearance air samples.

(Source: Added at 37 Ill. Reg._____, effective _____)

SUBPART D: COMMERCIAL AND PUBLIC BUILDING OWNER RESPONSIBILITIES, LOCAL EDUCATION AGENCY RESPONSIBILITIES AND NOTIFICATION REQUIREMENTS ~~GENERAL ABATEMENT REQUIREMENTS FOR COMMERCIAL AND PUBLIC BUILDINGS~~

Section 855.200 Commercial and Public Building (CPB) Owner Responsibilities

a) Each CPB owner shall:

1) Ensure that all response action services are conducted in accordance with this Part.

2) Ensure that all custodial and maintenance employees are properly trained as required by OSHA and this Part.

3) Ensure that all portions of the CPB affected by any renovation activities or operations and maintenance activities are inspected for the presence, location and quantity of asbestos as required by Section 855.210.

4) Ensure that short-term workers (e.g., telephone repair workers, utility workers, or exterminators) and employees who may come in contact with asbestos in a CPB are provided information regarding the locations of ACBM or assumed ACBM.

5) Ensure that warning labels are posted in accordance with the following:

A) The CPB owner shall attach a warning label immediately adjacent to any ACBM and suspected ACBM assumed to be ACBM located in a routine maintenance area (such as boiler rooms) at each CPB.

B) All labels shall be prominently displayed in readily visible locations and shall remain posted until the ACBM is removed.

C) The warning label shall state, in print that is readily visible: DANGER - CONTAINS ASBESTOS FIBERS - AVOID CREATING DUST - CANCER AND LUNG DISEASE HAZARD.

6) Ensure that the inspection reports are available on site.

7) Ensure that all suspected friable and nonfriable asbestos-containing material is maintained at all times so that there is no damage.

8) If the Department issues an ESWO for the improper removal of ACBM, the CPB owner shall be required to retain a project designer for the purpose of preparing a design to remediate the area affected by the improper removal. The design shall be submitted to the Department for review and acceptance prior to implementation.

b) Record keeping

1) For each preventive measure and response action taken for ACBM, the CPB owner shall maintain the following records for a minimum of three years:

A) A detailed written description of the response action and methods used, the location where the response action was taken, the reasons for selecting the response action, the start and completion dates of the work, the names and addresses of all persons involved, their IDPH license identification number and, if ACBM is removed, the name and location of the disposal site of the ACBM; and

B) The name, signature and Department-issued license identification

number of any person collecting clearance air samples required to be collected at the completion of response actions; the locations where samples were collected; date of collection; the name and address of the laboratory analyzing the samples; the date of analysis; the method and results of the analysis; the name and signature of the person performing the analysis and a statement that the laboratory meets the applicable requirements of this Part.

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 855.210 Procedures for Inspections of Commercial and Public Buildings

a) All inspections and sampling of CPB for the presence of ACBM and all assessments of the condition of ACBM in CPB shall be conducted by an asbestos inspector.

b) Commercial and Public Building Inspections

1) Unauthorized personnel shall not be present in areas where samples are being collected.

2) The asbestos inspector shall identify and sample all suspected asbestos containing building materials that will be disturbed by the renovation or demolition project.

3) The asbestos inspector shall identify and establish homogeneous sampling areas for friable and nonfriable materials.

4) The asbestos inspector shall photograph materials, including sample locations and damaged areas, and shall identify locations where pictures were taken.

5) The asbestos inspector shall, with completeness and accuracy, record the commercial and public building name, address, city, state, zip code, inspection date, asbestos inspector signature, asbestos inspector license number, asbestos consultant and asbestos consultant license number.

c) Sampling Friable and Nonfriable Materials

1) The area of each homogeneous friable and nonfriable surface shall be

calculated (allowing for beams, vaulted ceilings, etc.). If materials appearing uniform were installed at different times, then distinct homogeneous areas shall be established for each material in accordance with the time period in which it was installed.

2) A diagram shall be drawn for each homogeneous sampling area as described in subsections (g), (h), (i), and (j) of this Section.

3) Random sample points shall be determined using the method described in subsection (l) of this Section.

4) The following requirements shall apply to all sampling of surfacing material:

A) For each homogeneous sampling area of less than 1,000 square feet, a minimum of three samples shall be collected;

B) For areas from 1,000 to 5,000 square feet, a minimum of five samples shall be collected;

C) For homogeneous areas greater than 5,000 square feet, a minimum of seven samples shall be collected.

3) Pipe, pipe joints and boiler insulation are all different homogeneous areas and shall not be sampled as one homogeneous area.

4) Wall and ceiling tiles shall be sampled. Three samples shall be collected from each homogeneous type of wall and ceiling tile found.

5) At least one bulk sample shall be collected from each homogeneous area of patched thermal system insulation if the patched section is less than 6 linear or square feet.

6) For miscellaneous materials, three bulk samples shall be collected from each homogeneous area.

7) Floor tile, mastic and multi-layered materials shall be analyzed using the TEM method.

d) Sampling Precautions

1) Materials shall be sampled only with necessary personnel present. Materials shall not be disturbed any more than necessary.

2) A respirator equipped with HEPA filters shall be worn when sampling.

3) Sampled areas shall be sealed with a clear, nonflammable encapsulant.

4) Any visible debris caused by sampling shall be cleaned by wet mopping or by wiping with a damp cloth.

5) When carpet is present, a plastic drop cloth shall be placed under the sample point to prevent contamination.

6) Non-cleanable contaminated materials (e.g., wiping cloths) shall be disposed of in sealed and labeled 6-mil plastic bags.

e) Sampling Procedures

1) Materials shall be sprayed with a light mist of amended water to reduce fiber release during sampling.

2) A small core of the material penetrating all layers, including any paint or protective coating, shall be gently cut and removed. Any reusable instrument shall be wet wiped before reuse.

3) The sample shall be placed in a leak-proof plastic bag. The bag shall be sealed and the exterior wiped with a damp cloth to remove any contamination.

4) Each bag shall be labeled with a sample identification number.

5) The samples for each CPB shall be sealed in a separate plastic bag.

6) Information to be recorded for each sample collected includes the date, sampling location and identification number. The chain-of-custody document shall be completed and samples submitted to a laboratory accredited under the NVLAP administered by NIST.

f) Reporting. The inspection report shall include a narrative description of building components for each CPB inspected. Clear color photographs and sample area

diagrams shall be included with sample locations. Each sample shall have a photograph to show condition of the material. The inspection report will not be considered complete until bulk samples are received, analyzed and reported by an accredited laboratory. A copy of the laboratory submission sheets shall be included with the inspection report.

g) For each sampling area, a diagram shall be prepared showing all friable and non-friable materials in the sampling area. The diagram shall be constructed as follows:

1) The approximate dimensions of all rooms, corridors or other CPB areas included in the diagram shall be clearly indicated. If these measurements are not readily available, rooms shall be measured. The diagram shall be prepared to scale.

2) The diagram shall distinguish between friable and non-friable material areas of the sampling area, and areas in the diagram that are not contained in the sampling area.

3) Any of the following features that are found within the sampling area shall be drawn on the diagram approximately to scale:

A) Damage caused by water or high humidity;

B) Damage due to vandalism, rough use, or other factors;

C) Patched or repaired material; and

D) Areas that are inaccessible for the purpose of sampling the friable or nonfriable material.

h) The following information shall be recorded on each sampling area diagram:

1) A sampling area identification number that distinguishes the sampling area from all others of the CPB;

2) A brief description of the sampling area and the amount of material per homogeneous area;

3) Appropriate dimensions to describe the area and scale;

4) Name and address of the CPB;

5) Name and telephone number of the CPB personnel contacted;

6) Name of the asbestos inspector and date of inspection; and

7) Name of the person preparing the diagram and date prepared.

i) For piping, vent and boiler diagrams:

1) A diagram shall be drawn that includes room dimensions and sample locations.

2) Sample locations shall be described.

j) Samples shall be collected randomly throughout each homogeneous area.

k) Sampling area diagrams shall be included with the "Building Inspection" form.

l) Sampling Procedure

1) The sampling area shall be divided into nine equally sized subareas by dividing the length and width of the sampling area into three equal lengths and three equal widths, and drawing a grid over the diagram (see Appendix B, Illustrations C through G).

2) The diagrams in Appendix B, Illustration E show which subareas to use to follow a random sampling scheme. For the first area to be sampled, the nine subareas shall be numbered as shown for sampling area #1 in Appendix B, Illustration E. If three samples are needed, they shall be taken from the subareas marked 1, 2 and 3. If 5 samples are needed, they shall be taken from the subareas marked 1, 2, 3, 4 and 5, and so on. Samples shall be taken from approximately the center of a subarea, or as close as possible to the center if inaccessibility, presence of light fixtures, etc., make the center location impractical. If a subarea is specified that falls entirely outside the sampling area, the next specified subarea shall be used. For example, if subarea 3 falls outside the sampling area, the third sample from subarea 4 shall be taken.

3) For irregularly shaped areas, the sampling area may be divided into nine approximately equally sized subareas that do not necessarily form a rectangular grid. The diagrams in Appendix B, Illustration E will then need to be adapted to the specific situation. Appendix B, Illustration F shows an example of a Y-shaped sampling area that is divided into nine equally sized subareas. The first diagram of Appendix B, Illustration E was adapted accordingly to number the subareas. When adapting sampling diagrams, the order of the numbered subareas from left to right and top to bottom shall be retained wherever possible.

4) For each sampling area, a new diagram in accordance with Appendix B, Illustration E shall be used. If there are more than 18 sampling areas, a new diagram shall be used, starting again at the top (Sampling Area #1) of Illustration E to determine sampling locations for sampling area 19 and higher.

(Source: Added at 37 Ill. Reg._____, effective _____)

Section 855.220 Submissions and Notices ~~Notification and Procedures for Abatement of Asbestos in Commercial and Public Buildings~~

The notification for work procedures and controls specified in this Part ~~below~~ shall be followed ~~only~~ for response action services ~~abatement of ACBM~~ in CPBs. ~~commercial and public buildings, except as indicated (Schools shall use procedures and controls specified in Subpart E of this Part.):~~

a) Notification of Nonemergency Abatement Operations~~.~~

1) Notification of friable and nonfriable asbestos ~~abatement~~ project activities greater than ~~ranging in size from~~ 3 square feet/3 linear feet ~~to 160 square feet/260 linear feet~~ to be performed in CPBs ~~commercial and public buildings~~, except industrial buildings as defined in Section 855.20, shall be made to the Department at least two ~~2~~ working days before the initiation of ~~abatement~~ project activities. The asbestos abatement contractor shall not start project activities until the third working day after the Department receives the notification.

A) If the notification is sent to the Department by electronic form, the day that the Department receives the notification shall be based on the electronic form receipt date.

B) If the notification is sent to the Department by mail, the asbestos abatement contractor shall use a delivery confirmation service provided by the carrier when submitting the notice. The day that the Department receives the notification shall be based on the date of delivery confirmation provided by the carrier.

2) Notification to the Department is not required for asbestos abatement project activities performed in industrial buildings as defined in Section 855.20.

3) Any notification required by this subsection (a) shall be made by the asbestos abatement contractor or building owner on a form made available by the Department. The completed form shall contain only correct and accurate information.

4) The asbestos abatement contractor shall notify the Department on the form provided by the Department prior to implementing any change to the project from the original notification required in subsection (a)(1) above. The asbestos abatement contractor or his designee shall maintain copies of all changes to the notification. The notification changes shall be made available to the project manager, air sampling professional and asbestos consultant.

5) The asbestos abatement contractor and asbestos consultant shall maintain on site a copy of the original notification form submitted to the Department, along with any revisions to that notification.

b) Notification of Emergency Abatement Operations

1) Notification to the Department, as specified in subsection (a) of this Section, is not required for emergency abatement operations, as defined in Section 855.20 of this Part.

2) The asbestos abatement contractor shall notify the Department by electronic notification ~~telephone or telefax~~ on the same business day that emergency operations are initiated. If emergency operations are initiated after business hours, the asbestos abatement contractor shall notify the Department on the next business day.

~~A)~~ ~~Notification shall specify the location of the emergency abatement operation; name of contractor, building owner or his/her representative, and air sampling professional; reason why emergency operations are necessary; description of asbestos containing material; abatement techniques to be used; and estimated time of completion of the project.~~

~~B)~~ ~~Notification shall be made to the Asbestos Program, Division of Environmental Health, Illinois Department of Public Health at (217)782-5830 or (217)785-5897 (fax).~~

3~~C~~) After completion of emergency abatement operations, a written report shall be submitted ~~made~~ within five business days after the last day of the project. The report shall specify the location of the emergency abatement operation; name of the asbestos abatement contractor, building owner, project manager and air sampling professional; reason why emergency operations were necessary; description of asbestos-containing material; abatement procedures used; duration of the emergency operation; and clearance air monitoring analytical results. ~~to the Department using the Department's asbestos abatement notification form.~~

~~c)~~ ~~Work Practices and Controls for all Commercial and Public Buildings.~~

~~1)~~ ~~Removal of ACBM shall be conducted in accordance with NESHAP regulations 40 CFR 61, Subpart M, and OSHA regulations 29 CFR 1926.1101.~~

~~2)~~ ~~Encapsulation or enclosure of ACBM shall be considered a Class III operation and shall be performed using controls at least as stringent as those found in 29 CFR 1926.1101(g)(9) for Class III asbestos work.~~

~~3)~~ ~~Repair and maintenance of friable ACBM shall be performed using controls and work practices specified by 29 CFR 1101(g)(9) for Class III asbestos work.~~

~~4)~~ ~~All ACBM may be temporarily stored at the work area until completion of the abatement project. Temporarily stored ACBM shall meet the waste storage requirements of NESHAP regulations at 40 CFR 61, Subpart M.~~

~~At the conclusion of the abatement project, all temporarily stored ACBM shall be removed from the work area and transported to a regulated landfill location approved for disposal of asbestos-containing waste.~~

~~d)~~ ~~Clearance Air Monitoring.~~

~~1)~~ ~~After the completion of the final clean and when all surfaces in the critical barriers are dry, the contractor, the building owner or the building owner's designee shall inspect the area inside the critical barriers for visible residue. If the area is clear of residue, the contractor, the building owner or the building owner's designee shall notify an air sampling professional that the contained area is ready for clearance air monitoring.~~

~~2)~~ ~~Air sampling shall be conducted by an air sampling professional. The air sampling professional is allowed to use PCM for clearance air monitoring in public and commercial buildings in lieu of TEM.~~

~~3)~~ ~~Required Samples.~~

~~A)~~ ~~A minimum of 2 samples shall be taken for areas up to 1,000 sq. ft.~~

~~B)~~ ~~A minimum of 5 samples shall be taken for areas larger than 1,000 sq. ft. but not exceeding 50,000 sq. ft.~~

~~C)~~ ~~One additional sample shall be taken for every 10,000 sq. ft. exceeding 50,000 sq. ft.~~

~~4)~~ ~~Each sample result shall be less than or equal to 0.01 f/cc. If the air sampling results indicate a concentration of airborne asbestos fibers in excess of clearance criteria, the contractor shall reclean the contained area. The contractor shall not be released until the contained area meets clearance criteria.~~

~~5)~~ ~~The building owner shall give a copy of the test results to the contractor and retain a copy for its records for three years.~~

~~e)~~ ~~An air sampling professional is not required to obtain a license pursuant to Section 855.100(i) to conduct asbestos air sampling in commercial and public buildings; however, an air sampling professional shall meet the following~~

~~qualifications prior to conducting asbestos air sampling in commercial and public buildings:~~

~~1)~~ ~~Successfully complete a NIOSH #582 course "Sampling and Evaluating Airborne Asbestos Dust" or a course equivalent in length and content.~~

~~2)~~ ~~Possess a Bachelor's Degree in the life, environmental or physical sciences or in engineering and written verification of 520 hours on-site experience in general indoor air pollution sampling; or an Illinois Industrial Hygienist License; or written verification of 2080 hours on-site experience in air sampling for asbestos on abatement projects under the supervision of a licensed Air Sampling Professional.~~

(Source: Amended at 37 Ill. Reg._____, effective _____)

Section 855.230 Equipment and Waste Container Removal Procedures <u>(Repealed)</u>

~~a)~~ ~~External surfaces of contaminated containers and equipment shall be cleaned by wet cleaning and/or HEPA vacuuming before moving such items into the decontamination area for final cleaning as defined in OSHA regulation 29 CFR 1926.1101.~~

~~b)~~ ~~Once in the decontamination area, external surfaces of contaminated containers and equipment shall be cleaned a second time by wet cleaning before moving such items into the holding area pending removal to uncontaminated areas.~~

~~c)~~ ~~Containers and equipment shall be removed from the holding area by workers who have entered from uncontaminated areas wearing proper personal protective equipment. If the decontamination area does not terminate to the exterior of the building, the following procedures shall be followed:~~

~~1)~~ ~~Waste and equipment shall be placed in a cart. The cart shall not be overloaded, which may cause tipping.~~

~~2)~~ ~~The loaded cart shall be carefully taken to and unloaded in the enclosed waste storage unit.~~

~~d)~~ ~~The exit from the decontamination area shall be secured to prevent unauthorized entry as required in OSHA 1926.1101(e)(3).~~

(Source: Repealed at 37 Ill. Reg. _____, effective _____)

Section 855.240 Procedures for Abatement of Asbestos in Schools and Commercial and Public Buildings ~~Reestablishment of the Work Area and HVAC Systems in Commercial and Public Buildings~~

The work procedures and controls specified in Sections 855.370 through 855.520 shall be followed for response action services in schools and CPBs. ~~The contractor, building owner, or the building owner's representative shall reestablish the work area in accordance with the following procedures:~~

a) A project manager and project design are required for all school response actions greater than 3 square feet or 3 linear feet. ~~Reestablishment of the work area shall only occur following the completion of the cleanup procedures and after clearance air monitoring has been performed and documented to the satisfaction of the school board or building owner.~~

b) A project manager and project design are required for all CPB response actions greater than 160 square feet or 260 linear feet. ~~The contractor, the building owner or the building owner's designee shall visually inspect the work area for any remaining visible residue. Evidence of contamination shall necessitate additional cleaning.~~

c) When ACBM has been removed or disturbed in a manner that may create substantial danger to the environment or public health, all associated response actions shall be designed by a project designer. The project designer shall determine the extent of contamination and develop the project design in accordance with Section 855.150. The project shall not be implemented prior to review and acceptance by the Department. ~~Additional air monitoring shall be performed if additional cleanup is necessary.~~

~~d)~~ ~~Following completion of clearance air monitoring of the work area, remaining equipment and polyethylene barriers shall be removed and disposed of as asbestos-contaminated waste. Following removal, the entire area, including HVAC filter assembly and outside of the duct work, shall be wet cleaned or HEPA vacuumed to remove residual asbestos fibers.~~

~~e)~~ ~~Mounted objects removed from former positions during area preparation activities~~

~~may be resecured.~~

~~f)~~ ~~Objects that were removed to temporary locations may be relocated to original positions.~~

~~g)~~ ~~New filters shall be installed in HVAC systems, as necessary, and mechanical and electrical systems shall be reestablished in working order.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 855.250 Local Education Agency (LEA) and Designated Person Requirements

a) Each LEA and Designated Person shall:

1) Ensure that any persons who conduct the following activities do so in accordance with this Part: perform inspections or re-inspections; develop and update management plans; develop and implement response actions, including operations and maintenance or repair; and perform asbestos response action services. The LEA shall implement response actions within the time frame specified in the management plan;

2) Ensure that all custodial and maintenance employees are properly trained as required by AHERA, the Asbestos Abatement Act, and this Part;

3) Ensure that parents, teachers and employee organizations are notified in writing at least once each school year of inspections, response actions and post-response action activities, including periodic re-inspection and surveillance activities that are planned or in progress. The LEA shall include in the management plan a description of the steps taken to notify the organizations and a dated copy of the notification;

4) Ensure that short-term workers (e.g., telephone repair workers, utility workers or exterminators) who may come in contact with asbestos in a school are provided information regarding the locations of ACBM or assumed ACBM;

5) Ensure that warning labels are posted in accordance with the following:

A) The LEA shall attach a warning label immediately adjacent to any ACBM and suspected ACBM assumed to be ACBM located in a

routine maintenance area (such as boiler rooms) at each school building.

B) All labels shall be prominently displayed in readily visible locations and shall remain posted until the ACBM is removed.

C) The warning label shall state in print that is readily visible: CAUTION - ASBESTOS – HAZARDOUS - DO NOT DISTURB WITHOUT PROPER TRAINING AND EQUIPMENT.

6) Ensure that the management plans are available for inspection and that notification of availability has been provided as specified in the management plan;

7) Keep a copy of the management plan in each school and district administrative office. Management plans shall be available for inspection by workers before work begins in any area of a school building. The management plans shall be available during normal business office hours, without cost or restriction, for inspection by representatives of the Department and any other person requesting. The LEA may charge a reasonable cost to make copies of management plans;

8) Maintain records as part of the management plan;

9) Ensure that each management plan contains an LEA assurances page (see Appendix B. Illustration J), signed by the individual designated by the LEA, that certifies that the LEA responsibilities have been met or will be met. A copy of the LEA assurances page shall be submitted to the Department;

10) Ensure that three-year re-inspections are conducted in accordance with this Part and Section 855.260(m);

11) Ensure that the three-year school re-inspection information form provided by the Department is submitted to the Department within 30 days after the re-inspection; and

12) Ensure that the Department is notified of any designated person change within 30 days after the change.

b) The LEA shall designate a person to implement and oversee all management plan activities. The LEA designated person shall certify and ensure that the LEA's responsibilities have been met. The LEA shall ensure that the designated person receives adequate training to perform the LEA's assigned duties. The training shall include:

1) Health effects of asbestos;

2) Detection, identification and assessment of ACBM;

3) Options for controlling ACBM;

4) Asbestos management programs; and

5) Relevant federal and State regulations concerning asbestos, including those of OSHA, the U.S. Department of Labor, the U.S. Department of Transportation, the USEPA and the Department.

c) Record keeping

1) Records required under this Section shall be maintained in a centralized location in the administrative office of both the school and the LEA as part of the management plan. For each homogeneous area where all ACBM has been removed, the LEA shall ensure that the records are retained for six years after removal is completed.

2) For each preventive measure and response action taken for ACBM and suspected ACBM assumed to be ACBM, the LEA shall provide:

A) A detailed written description of the response action and methods used; the location where the response action was taken; the reasons for selecting the response action; the start and completion dates of the work; the names and addresses of all asbestos abatement contractors involved and their IDPH license identification number; and if ACBM is removed, the name and location of the disposal site of the ACBM.

B) The name, signature, and Department-issued license identification number of any person collecting any air samples required to be collected at the completion of certain response actions; the

locations where samples were collected; date of collection; the name and address of the laboratory analyzing the samples; the date and results of analysis; the method of analysis; the name and signature of the person performing the analysis; and a statement that the laboratory meets the applicable requirements of the National Bureau of Standards TEM laboratory accreditation.

3) For each time that periodic surveillance is performed, the LEA shall record, with completeness and accuracy, the name of each person performing the surveillance, the date of the surveillance, and any changes in the conditions of the materials.

4) For each time that asbestos cleaning is performed, the LEA shall record the name of each person performing the cleaning, the Department-issued license identification number, the date of the cleaning, the locations cleaned, and the methods used to perform the cleaning.

5) For each time that operations and maintenance activities are performed, the LEA shall record the name of each person performing the activity; the Department-issued licensed worker identification number; the start and completion dates of the activity; the locations where the activity occurred; a description of the activity, including preventive measures used; and if ACBM is removed, the name and location of the storage or disposal site of the ACBM.

6) For each time that major response action is performed, the local education agency shall provide the name, signature and Department-issued license identification number of each person performing the activity; the start and completion dates of the response action; the locations where the response action occurred; a description of the activity, including preventive measures used; and if ACBM is removed, the name and location of the storage or disposal site of the ACBM.

7) For each fiber release episode, the LEA shall provide the date and location of the episode; the method of repair; preventive measures or response action taken; the name of each person performing the work; the IDPH license identification number; and if ACBM is removed, the name and location of the storage or disposal site of the ACBM.

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 855.260 Procedures for School Inspections and Reinspections

a) The Department will prepare and maintain a list of asbestos inspectors. All inspections and sampling of school buildings for the presence of ACBM and all assessments of the condition of ACBM in schools shall be conducted by an asbestos inspector.

b) School Building Inspections

1) Inspections shall be conducted only during non-school hours. Samples shall not be collected in areas where and at times when students or school personnel are present.

2) All areas of the school building shall be inspected, including classrooms, cafeterias, auditoriums, gymnasiums, locker rooms, offices, hallways, tunnels, boiler rooms, mechanical rooms, above drop ceilings, crawl spaces, ventilation ducts, attics, basements, etc.

3) For initial inspections, the asbestos inspector shall identify and establish homogeneous sampling areas for friable and nonfriable materials.

4) The asbestos inspector shall photograph materials, including sample locations and damaged areas, and identify locations where pictures were taken.

5) The asbestos inspector shall complete the form "Building Inspection for Friable and Nonfriable Materials" for each school or facility (see Appendix B. Illustration A).

c) Sampling Friable and Nonfriable Materials

1) The area of each homogeneous friable and nonfriable surface shall be calculated (allow for beams, vaulted ceilings, etc.). If materials appearing uniform were installed at different times, two materials shall be designated as distinct homogeneous areas.

2) A diagram shall be drawn for each homogeneous sampling area as

described in subsections (g), (h), (i), and (j) of this Section.

3) Random sample points shall be determined using the method described in subsection (l) of this Section.

4) The following requirements shall apply to all sampling of surfacing material:

A) For each homogeneous sampling area of less than 1,000 square feet, a minimum of three samples shall be collected;

B) For areas from 1,000 to 5,000 square feet, a minimum of five samples shall be collected;

C) For homogeneous areas greater than 5,000 square feet, a minimum of seven samples shall be collected.

5) Damaged pipe and boiler insulation are considered distinct sample areas, and three samples shall be collected for each homogeneous material found. Pipe, pipe joints and boiler insulation are all different homogeneous areas and shall not be sampled as one homogeneous area.

6) Wall and ceiling tiles shall also be sampled. Three samples shall be collected from each homogeneous type of wall and ceiling tile found.

7) At least one bulk sample shall be collected from each homogeneous area of patched thermal system insulation that is not assumed to be ACBM if the patched section is less than 6 linear or square feet.

8) Bulk samples are not required to be collected from any homogeneous area where the asbestos inspector has determined that the thermal system insulation is fiberglass, foam glass, rubber, or other non-asbestos-containing building materials.

9) Miscellaneous materials shall be collected in a manner sufficient to determine whether material is ACBM. Bulk samples shall be collected from each homogeneous area of friable miscellaneous material that is not assumed to be ACBM.

10) If any homogeneous area of nonfriable suspected ACBM is not assumed to be ACBM, then an asbestos inspector shall collect bulk samples from the homogeneous area in a manner sufficient to determine whether the material is ACBM.

d) Sampling Precautions

1) Materials shall be sampled only with necessary personnel present. Materials shall not be disturbed any more than necessary.

2) A NIOSH-approved respirator equipped with HEPA filters shall be worn when sampling friable materials or when moving ceiling tiles to access friable materials.

3) Sampled areas shall be sealed with a clear nonflammable encapsulant.

4) Any visible materials shall be cleaned by wet mopping or by wiping with a damp cloth.

5) When carpet is present, a plastic drop cloth shall be placed under the sample point for easy cleanup.

6) Contaminated materials (e.g., wiping cloths, mop heads) shall be disposed of in sealed and labeled 6-mil plastic bags.

e) Sampling Procedures

1) Materials shall be sprayed with a light mist of amended water to reduce fiber release during sampling.

2) A small core of the material penetrating all layers, including any paint or protective coating, shall be gently cut and removed. Any reusable instrument shall be wet wiped before reuse.

3) The sample shall be placed in a leak-proof plastic bag. The bag shall be sealed and the exterior wiped with a damp cloth to remove any materials.

4) Each bag shall be labeled with a sample identification number.

5) The samples for each school shall be sealed in a separate plastic bag.

6) Information to be recorded for each sample collected includes the date, sampling location and identification number (Appendix B. Illustration B). The chain of custody shall be completed and samples submitted to a laboratory accredited under the NVLAP administered by the NIST.

f) Reporting. The management plan referenced in Section 855.270 shall be submitted to the Department, along with one copy of the inspection report, which shall include a narrative description of building components and a completed "Building Inspection for Friable and Nonfriable Materials" form for each school inspected. Clear color photographs and sample area diagrams shall be included with sample locations. Photocopies of photographs shall not be sent. Each sample shall have a photograph to show condition of the material.

1) To expedite efficient review, inspection reports shall be organized and submitted in the following order:

A) Each report shall be submitted electronically as specified by the Department.

B) The school district, school name and the complete address of the school building where the inspection was conducted and the city and county shall be identified as specified by the Department.

C) The report shall be submitted in the following order:

i) Appendix B.Illustration A;

ii) Narrative Report;

iii) Each sample area: Appendix B.Illustration B (two pages) identifying sample area; drawing to scale or dimension, indicating on the plan where samples were taken; photographs of material from which samples were taken, indicating the sample number that applies to each photograph. The reference material shall be used to determine the number of samples required based on the square footage in the sampling area.

2) The inspection report will not be considered complete until bulk samples are received and analyzed and results are reported by an NVLAP-approved laboratory. A copy of the laboratory submission sheets shall be included with the inspection report.

g) For each assumed ACBM or sampling area, a diagram shall be prepared showing all friable and nonfriable materials in the sampling area. The diagram shall be constructed as follows:

1) The approximate dimensions of all rooms, corridors or other school building areas included in the diagram shall be clearly indicated. If these measurements are not readily available, rooms will need to be measured. The diagram shall be prepared approximately to scale (see Appendix B, Illustration C).

2) The diagram shall distinguish between friable and nonfriable material areas of the sampling area, and areas in the diagram that are not contained in the sampling area.

3) Any of the following features that are found within the sampling area shall be drawn on the diagram approximately to scale:

A) Damage caused by water or high humidity;

B) Damage due to vandalism, rough use or other factors;

C) Patched or repaired material; and

D) Areas that are inaccessible for the purpose of sampling the friable or nonfriable material.

h) If one sampling area contains friable or nonfriable material areas that are not adjacent (for example, areas on different floors of the school building where the material is the same), each separate area shall be sketched according to the above instructions. All sketches shall be placed on the same graph, as closely together as possible. The sampling area may contain areas that are not in the same plane (for example, a ceiling and a wall with the same type of friable or nonfriable material). In this case, each flat surface shall be sketched according to the above instructions and these sketches placed on the same graph, as close together as

possible.

i) On each sampling area diagram, the following information shall be recorded:

1) Sampling area identification number that distinguishes the sampling area from all others of the school building;

2) Brief description of the sampling area and the amount of material per homogeneous area;

3) Area dimensions and scale;

4) Name and address of the school;

5) Name and telephone number of the school official contacted;

6) Name of asbestos inspector and date of inspection; and

7) Name of person preparing the diagram and date prepared.

j) For piping, vent and boiler diagrams:

1) A diagram shall be drawn that includes room dimensions and sample locations (see Appendix B.Illustration D).

2) Sample locations shall be described.

k) All diagrams shall be included with the "Building Inspection" form.

l) Sampling Procedure

1) The sampling area shall be divided into nine equally sized subareas by dividing the length and width of the sampling area into three equal lengths and three equal widths and drawing a grid over the diagram (see Appendix B.Illustrations C through G).

2) The diagrams in Appendix B.Illustration E show which subareas to use to follow a random sampling scheme. For the first area to be sampled, the nine subareas shall be numbered as shown for sampling area #1 in Appendix B.Illustration E. If three samples are needed, they shall be

taken from the subareas marked 1, 2 and 3. If five samples are needed, they shall be taken from the subareas marked 1, 2, 3, 4 and 5, and so on. Samples shall be taken from approximately the center of a subarea, or as close as possible to the center if inaccessibility, presence of light fixtures, etc., make the center location impractical. If a subarea is specified that falls entirely outside the sampling area, the next specified subarea shall be used. For example, if subarea 3 falls outside the sampling area, the third sample from subarea 4 shall be taken.

3) For irregularly shaped areas, the sampling area may be divided into nine approximately equally sized subareas that do not necessarily form a rectangular grid. The diagrams in Appendix B.Illustration E will then need to be adapted to the specific situation. Appendix B.Illustration F shows an example of a Y-shaped sampling area that is divided into nine equally sized subareas. The first diagram of Appendix B.Illustration E was adapted accordingly to number the subareas. When adapting sampling diagrams, the order of the numbered subareas from left to right and top to bottom shall be retained wherever possible.

4) For each sampling area, a new diagram in accordance with Appendix B. Illustration E shall be used. If there are more than 18 sampling areas, a new diagram shall be used, starting again at the top (sampling area #1) of Appendix B.Illustration E to determine sampling locations for sampling area 19 and higher.

m) The following shall be required for re-inspections:

1) The asbestos inspector shall visually re-inspect all areas of the school building, including new additions. All items required by Section 855.Appendix B.Illustration H shall be included in the re-inspection.

2) Any additional suspected ACBM found during the re-inspection that was not included in the original management plan or previous re-inspection report shall be sampled according to procedures in this Part or listed as assumed ACBM and added to the management plan.

3) All functional spaces that have been isolated as a result of a major fiber release episode shall be identified, as well as how the functional space is being secured.

4) Each re-inspection shall include drawings identifying the quantity of known ACBM or assumed ACBM remaining in each school building.

5) Inspections shall be conducted only during non-school hours when students or school personnel are not present. Samples shall not be collected in areas when and where students or school personnel are present.

6) Within 30 days after the re-inspection, the asbestos inspector shall submit the following to the LEA, with completeness and accuracy:

A) The date of the re-inspection;

B) The name and signature of the asbestos inspector performing the re-inspection and the management planner;

C) The current Department-issued license number of the asbestos inspector and the current training course certificate at the time of the inspection; and

D) A re-assessment of the condition of known or assumed ACBM as required under 40 CFR 763.88;

7) Any changes in the classification of an assumed ACBM to a non-ACBM shall be performed in accordance with the requirements of this Part.

8) If the LEA chooses to resample known ACBM, the samples shall be analyzed using the TEM method to prove that the material is not ACBM.

9) The asbestos inspector shall identify all missing LEA requirements and record-keeping documentation observed in the inspection report and management plan and inform the LEA, the Department and the management planner in writing of all deficiencies.

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 855.270 Management Plan

a) In accordance with 40 CFR 763.93, each LEA shall submit the management plan for each individual school to the Department. The management plan shall comply with the management plan protocol in Section 855.Appendix B.Illustration H and Appendix B.Illustration I. The management plan shall be submitted to the Department in an electronic format on a CD ROM as a single PDF file (not rewritable), with only one management plan per CD. The electronic document shall be bookmarked in accordance with Appendix B.Illustration I - Outline for Asbestos Management Plan.

b) The management plan for each school building shall include:

1) An inspection report with assessment of each homogeneous area as required in Section 855.260;

2) A laboratory analysis report;

3) Response action plans for each homogeneous area of ACBM in accordance with 40 CFR 763.90; and

4) An operations and maintenance program for each homogeneous area of ACBM until the ACBM is removed.

c) Any management plan submitted without all materials listed in subsections (b)(1)-(4) of this Section shall be considered incomplete and shall be returned to the LEA.

d) The Department will have 90 days to respond to the submitted management plan. The Department will consider the following factors in deciding to approve or disapprove a management plan:

1) The timeliness of submission;

2) Preparation by a Department-licensed management planner;

3) Inclusion of an inspection report prepared by an asbestos inspector; and

4) Inclusion of the materials required under subsection (b) of this Section.

e) If the plan is not disapproved within 90 days, the LEA shall implement the plan.

f) If the plan is disapproved, the LEA has 30 days to resubmit the plan. The Department may allow, in writing, an extension of an additional 60 days for re-submission. The Department will consider the size of facilities, number of buildings and the degree to which the management plan fails to comply with the requirements of this Part before granting an extension.

g) For all re-inspections in a school, the management planner shall review the re-inspection report and recommend appropriate response actions in the management plan as required by 40 CFR 763.90.

(Source: Added at 37 Ill. Reg._____, effective _____)

Section 855.280 Operations and Maintenance

a) The school board or building owner shall designate a person who shall be responsible for implementing an operations and maintenance plan. The plan shall be instituted in every school identified or assumed as having ACBM and shall be enforced at all times. The plan shall be in writing and shall meet the requirements of USEPA (40 CFR 763.91) and OSHA (29 CFR 1926.1101).

b) Department-licensed asbestos workers shall be used when less than 3 square feet and 3 linear feet of ACBM must be disturbed by drilling, sanding, cutting or repairing, or when friable ACBM must be cleaned. The following procedures shall be followed:

1) Heating, cooling or ventilating air systems shall be shut down to prevent fiber dispersal to other areas of the building.

2) Openings in the work area, including windows, doorways, vents and any other openings, shall be sealed with 6-mil polyethylene or equivalent sheeting and duct tape.

3) All persons shall wear respirators equipped with high efficiency HEPA filters and approved by NIOSH.

4) All persons shall wear disposable full body coveralls and head gear.

5) ACBM shall be wetted with amended water before repairing or disturbing the material to reduce airborne fiber release.

6) The work area shall be cleaned up using wet rags, mops or sponges, leaving no visible residue.

7) Asbestos-contaminated waste shall be sealed and labeled in 6-mil plastic bags and disposed of at an approved disposal site.

(Source: Added at 37 Ill. Reg._____, effective _____)

Section 855.290 Submissions and Notices for Abatement of Asbestos in Schools

a) The asbestos abatement contractor shall submit the following items to the Department postmarked or facsimile dated at least 10 working days prior to the commencement of project activities or by means approved by the Department (electronic notification).

1) The asbestos abatement contractor shall complete and submit the Notification Form provided by the Department for all abatement projects. The completed form shall contain only correct and accurate information.

2) Written permission from the building owner confirming the authorization for the commencement of abatement according to Section 855.450(g) shall be attached to the notification form and submitted to the Department.

b) The asbestos abatement contractor shall notify the Department in writing on the form provided by the Department prior to any change in start date, completion date and scope of the project.

c) Prior to commencement of project activities, the asbestos abatement contractor shall submit the following items to the project manager. These items shall be up to date and shall be maintained at the abatement site by the project manager.

1) Documentation of arrangements for the transport and disposal of asbestos-containing or asbestos-contaminated materials and supplies, and the name and location of the disposal site;

2) Documentation that each asbestos worker and supervisor is licensed;

3) Drawings for layout and construction of decontamination enclosure systems and barriers for isolation of the work area;

4) When rental equipment is to be used in removal areas or to transport waste materials, a copy of the written notification to inform the rental company of the nature of use of the rented equipment;

5) Results of materials testing as conducted before the abatement for purposes of use during abatement activities (e.g., testing of encapsulant for depth of penetration, testing of substitute materials for adherence to encapsulated surfaces); and

6) Copies of initial and current accreditation certificates of all licensed persons and the original license. The project manager shall make copies of all licenses at the location where the persons are conducting work. Failure to have accreditation certificates at the job site could result in decertification.

d) During abatement activities, the asbestos abatement contractor shall submit the following items to the project manager on a weekly basis, and the project manager shall maintain this documentation at the abatement site:

1) Job progress reports detailing abatement activities, including a review of progress with respect to previously established schedules, problems and actions taken, injury reports and equipment breakdowns;

2) Copies of all transport manifests, trip tickets and disposal receipts for all asbestos waste materials removed from the work area during the abatement process shall be submitted to the project manager within 10 days after the completion of the project;

3) Copies of worksite entry log books with information on worker and visitor access;

4) Logs documenting filter changes on respirators, HEPA vacuums, negative pressure ventilation units and other engineering controls;

5) Logs documenting that each asbestos worker present and in the abatement

area was licensed by the Department; and

6) Any revisions to the start date, completion date or scope of the project.

e) Prior to project activities the LEA shall:

1) Notify occupants of work areas that may be disrupted by the abatement project of dates and requirements for relocation. Arrangements shall be made prior to start of the project for relocation of desks, files, equipment and personal possessions to avoid unauthorized access into the work area by building occupants. Notification of all building occupants and users is required to prevent unnecessary or unauthorized access to the contaminated work area.

2) Submit to the asbestos abatement contractor and project manager results of background level air sampling, including sampling location, name of the air sampling professional, equipment used and method of analysis. Background air samples shall be collected and analyzed prior to the start of project activities.

3) Provide to the asbestos abatement contractor information concerning access, shutdown, and protection requirements of equipment and systems in the work area.

4) Submit to the asbestos abatement contractor prior to commencement of abatement the names and addresses of all asbestos project managers and air sampling professionals assigned to the project. Any changes of the building owner representatives shall be submitted to the asbestos abatement contractor in writing prior to the change.

5) Provide to the asbestos abatement contractor written permission authorizing the commencement of asbestos abatement.

6) Provide the asbestos abatement contractor with written verification that all building occupants and users have been notified pursuant to this Section prior to commencement of the project. The asbestos abatement contractor shall submit the written verification to the Department with the Notification Form provided by the Department.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

(Source: Added at 37 Ill. Reg. _____, effective _____)

SUBPART E: ~~LOCAL EDUCATIONAL AGENCY RESPONSIBILITIES AND~~ STANDARDS FOR ABATEMENT

Section 855.300 Local Education Agency (LEA) Requirements <u>(Repealed)</u>

~~a)~~ ~~Each LEA shall:~~

~~1)~~ ~~Ensure that any persons who perform inspections and reinspections, develop and update management plans, develop and implement response actions, including operations and maintenance or repair, are licensed in accordance with Section 855.100.~~

~~2)~~ ~~Ensure that all custodial and maintenance employees are properly trained as required by the Asbestos Hazard Emergency Response Act (AHERA), the Asbestos Abatement Act, and this Part.~~

~~3)~~ ~~Ensure that parents, teachers, and employee organizations are notified in writing at least once each school year of inspections, response actions, and post-response action activities, including periodic reinspection and surveillance activities that are planned or in progress. The LEA shall include in the management plan a description of the steps taken to notify such organizations and a dated copy of the notification.~~

~~4)~~ ~~The LEA shall designate a person to oversee all management plan activities and ensure that the designated person receives adequate training to perform the assigned duties of the local education agency. Such training shall include:~~

~~A)~~ ~~Health effects of asbestos.~~

~~B)~~ ~~Detection, identification and assessment of ACBM.~~

~~C)~~ ~~Options for controlling ACBM.~~

~~D)~~ ~~Asbestos management programs.~~

~~E)~~ ~~Relevant federal and State regulations concerning asbestos,~~

~~including those of the Occupational Safety and Health Administration, U.S. Department of Labor, the U.S. Department of Transportation, the U.S. Environmental Protection Agency and the Department.~~

~~5)~~ ~~Ensure that short-term workers (e.g., telephone repair workers, utility workers, or exterminators) who may come in contact with asbestos in a school are provided information regarding the locations of asbestos-containing building materials (ACBM) and/or assumed ACBM.~~

~~6)~~ ~~Ensure that warning labels are posted in accordance with the following:~~

~~A)~~ ~~The LEA shall attach a warning label immediately adjacent to any ACBM and suspected ACBM assumed to be ACBM located in a routine maintenance area (such as boiler rooms) at each school building.~~

~~B)~~ ~~All labels shall be prominently displayed in readily visible locations and shall remain posted until the ACBM is removed.~~

~~C)~~ ~~The warning label shall state in print which is readily visible: Caution; Asbestos. Hazardous. Do Not Disturb Without Proper Training and Equipment.~~

~~7)~~ ~~Ensure that the management plans are available for inspection and notification of such availability has been provided as specified in the management plan.~~

~~8)~~ ~~Keep a copy of the plan in each school and district administrative office. Management plans shall be available for inspection by workers before work begins in any area of a school building. The management plans shall be available during normal business office hours, without cost or restriction, for inspection by representatives of the USEPA, the Department, teachers, other school personnel, parents and the general public. The LEA may charge a reasonable cost to make copies of management plans.~~

~~9)~~ ~~Maintain records as part of the management plan.~~

~~10)~~ ~~Ensure that each management plan contains a statement, signed by the individual designated by the LEA, which certifies that the LEA responsibilities have been met or will be met.~~

~~11)~~ ~~Ensure that three-year reinspections are conducted in accordance with this Part and Section 855.310(m).~~

~~12)~~ ~~Ensure that the three-year school reinspection information form provided by the Department is submitted to the Department within 30 days from the reinspection.~~

~~b)~~ ~~Recordkeeping~~

~~1)~~ ~~Records required under this Section shall be maintained in a centralized location in the administrative office of both the school and the LEA as part of the management plan. For each homogeneous area where all ACBM has been removed, the LEA shall ensure that such records are retained for six years after completion of removal.~~

~~2)~~ ~~For each preventive measure and response action taken for ACBM and suspected ACBM assumed to be ACBM, the LEA shall provide:~~

~~A)~~ ~~A detailed written description of the response action and methods used, the location where the response action was taken, the reasons for selecting the response action, the start and completion dates of the work, the names and addresses of all contractors involved, and if applicable, their IDPH license I.D. number, and if ACBM is removed, the name and location of the disposal site of the ACBM.~~

~~B)~~ ~~The name, signature, and Department-issued license I.D. number of any person collecting any air samples required to be collected at the completion of certain response actions, the locations where samples were collected, date of collection, the name and address of the laboratory analyzing the samples, the date of analysis, the results of the analysis, the method of analysis, the name and signature of the person performing the analysis, and a statement that the laboratory meets the applicable requirements of the National Bureau of Standards TEM laboratory accreditation.~~

~~C)~~ ~~For each time that periodic surveillance is performed, the LEA~~

~~shall record the name of each person performing the surveillance, the date of the surveillance, and any changes in the conditions of the materials.~~

~~D)~~ ~~For each time that asbestos cleaning is performed, the LEA shall record the name of each person performing the cleaning, the IDPH licensed worker I.D. number, the date of such cleaning, the locations cleaned, and the methods used to perform such cleaning.~~

~~E)~~ ~~For each time that operations and maintenance activities are performed, the LEA shall record the name of each person performing the activity, the Department-issued licensed worker I.D. number, the start and completion dates of the activity, the locations where such activity occurred, a description of the activity including preventive measures used, and if ACBM is removed, the name and location of the storage or disposal site of the ACBM.~~

~~F)~~ ~~For each time that major response action is performed, the local education agency shall provide the name, signature and Department-issued license I.D. number of each person performing the activity, the start and completion dates of the response action, the locations where such response action occurred, a description of the activity, including preventive measures used, and if ACBM is removed, the name and location of the storage or disposal site of the ACBM.~~

~~G)~~ ~~For each fiber release episode, the LEA shall provide the date and location of the episode, the method of repair, preventive measures or response action taken, the name of each person performing the work, the IDPH license ID number, and if ACBM is removed, the name and location of the storage or disposal site of the ACBM.~~

(Source: Repealed at 37 Ill. Reg._____, effective _____)

Section 855.310 Procedures for School Inspections and Reinspections <u>(Repealed)</u>

~~a)~~ ~~The Department shall prepare and maintain a list of licensed inspectors. All inspections and sampling of school buildings for the presence of ACBM and all assessments of the condition of ACBM in schools shall be done by a Department~~

~~licensed asbestos inspector.~~

~~b)~~ ~~School Building Inspections.~~

~~1)~~ ~~Inspections shall be conducted only during non-school hours. Samples shall not be collected in areas where, and at times when, students or school personnel are present.~~

~~2)~~ ~~All areas of the school building shall be inspected including classrooms, cafeterias, auditoriums, gymnasiums, locker rooms, offices, hallways, tunnels, boiler rooms, mechanical rooms, above drop ceilings, crawl spaces, ventilation ducts, attics, basements, etc.~~

~~2)~~ ~~For initial inspections, the inspector shall identify and establish homogeneous sampling areas for friable and nonfriable materials.~~

~~4)~~ ~~The inspector shall photograph materials sampled and damaged areas found and identify locations where pictures were taken.~~

~~5)~~ ~~The inspector shall complete the form "Building Inspection for Friable and Nonfriable Materials" for each school or facility. (See Appendix B, Illustration A of this Part.)~~

~~c)~~ ~~Sampling Friable and Nonfriable Materials.~~

~~1)~~ ~~The area of each homogeneous friable and nonfriable surface shall be calculated (allow for beams, vaulted ceilings, etc.). If materials appearing uniform were installed at different times, two materials shall be designated as distinct homogeneous areas.~~

~~2)~~ ~~A diagram shall be drawn for each homogeneous sampling area as described in subsections (g), (h), (i), and (j) of this Section.~~

~~3)~~ ~~Random sample points shall be determined using the method described in subsection (l) of this Section.~~

~~4)~~ ~~The following requirements shall apply to all sampling of surfacing material:~~

A) For each homogeneous sampling area of less than 1,000 square feet, a minimum of 3 samples shall be collected;

B) For areas from 1,000 to 5,000 square feet, a minimum of 5 samples shall be collected;

C) For homogeneous areas greater than 5,000 square feet, a minimum of 7 samples shall be collected.

5) If pipe and boiler insulation are in good condition (not friable), sampling shall not be conducted. It shall be assumed that these areas are asbestos containing and recorded as such. The Superintendent of the school district may request a variance (see Section 855.25) for the inspectors to sample material that is in good condition. However, damaged pipe and boiler insulation are considered distinct sample areas, and three samples must be collected for each such homogeneous material found. Pipe, pipe joints and boiler insulation are all different homogeneous areas and shall not be sampled as one homogeneous area.

6) Wall and ceiling tiles must also be sampled. Three samples shall be collected from each homogeneous type of wall and ceiling tile found.

7) At least one bulk sample shall be collected from each homogeneous area of patched thermal system insulation that is not assumed to be ACBM if the patched section is less than six linear or square feet.

8) Bulk samples are not required to be collected from any homogeneous area where the accredited inspector has determined that the thermal system insulation is fiberglass, foam glass, rubber, or other non-asbestos-containing building materials.

9) Miscellaneous materials shall be collected in a manner sufficient to determine whether material is asbestos-containing building materials (ACBM). Bulk samples shall be collected from each homogeneous area of friable miscellaneous material that is not assumed to be asbestos-containing materials.

10) Nonfriable suspected asbestos-containing building materials (ACBM). If any homogeneous area of nonfriable suspected ACBM is not assumed to be ACBM, then a licensed inspector shall collect, in a manner sufficient to

determine whether the material is ACBM, bulk samples from the homogeneous area.

d) Sampling Precautions.

1) Disturbed materials shall only be sampled with necessary personnel present. Materials shall not be disturbed any more than necessary.

2) A NIOSH approved respirator equipped with HEPA filters shall be worn when sampling friable materials or when moving ceiling tiles to access friable materials.

3) Disturbed materials shall be sealed with a clear, nonflammable encapsulant.

4) Any visible materials shall be cleaned by wet mopping or by wiping with a damp cloth.

5) When carpet is present, a plastic drop cloth shall be placed under the sample point to facilitate easy clean up.

6) Contaminated materials (e.g., wiping cloths, mop heads) shall be disposed of in sealed, labeled six mil plastic bags.

e) Sampling Procedures.

1) Materials shall be sprayed with a light mist of water to reduce fiber release during sampling.

2) A small core of the material penetrating all layers including any paint or protective coating shall be gently cut and removed. Any reusable instrument shall be wet-wiped before reuse.

3) The sample shall be placed in a zip top plastic bag. The bag shall be sealed and the exterior wiped with a damp cloth to remove any materials.

4) Each bag shall be labeled with a sample I.D. number.

5) The samples for each school shall be sealed in a second plastic bag.

6) Information to be recorded for each sample collected includes the date, sampling location and ID number. The form "Asbestos Bulk Analysis" shall be completed and samples submitted to a laboratory accredited under the National Voluntary Laboratory Accreditation Program (NVLAP) administered by the National Institute for Standards and Technology (NIST).

f) Reporting. The Management Plan referenced in Section 855.325 shall be submitted to the Department along with one copy of the inspection report which shall include a narrative description of building components and a completed "Building Inspection for Friable and Nonfriable Materials" form for each school inspected. Photographs and sample area diagrams shall be included with sample locations. All photographs must be reproduced from negatives. Photocopies of photographs shall not be sent. Each sample must have a photograph to show condition of the material.

1) To expedite the efficient review of the inspection reports, they shall be organized and submitted in the following order:

A) Each report shall be put in a three hole report cover. (Not a three ring binder.)

B) The school district, school name, and the complete address of school building where inspection was conducted, city and county shall be identified on the front cover.

C) The report shall be assembled in the following order:

i) Appendix B, Illustration A

ii) Narrative Report

iii) Each sample area: Appendix B, Illustration B (2 pages) Identifying sample area; Drawing to scale or dimension; Indicating on plan where samples were taken; Including photographs of material from which samples were taken; Indicating the sample number which applies to each photo. The reference material should be used to determine the number of samples required based on the square footage in

~~the sampling area.~~

~~2)~~ ~~The inspection report will not be considered complete until bulk samples are received by an approved laboratory. A copy of the laboratory submission sheets shall be included with the inspection report.~~

~~g)~~ ~~For each sampling area, diagram shall be prepared showing all friable and nonfriable materials in the sampling area. Construct the diagram on graph paper as follows:~~

~~1)~~ ~~The approximate dimensions of all rooms, corridors, or other school building areas included in the diagram shall be clearly indicated. If these measurements are not readily available, rooms will need to be measured. Prepare the diagram approximately to scale. (See Appendix B, Illustration C.)~~

~~2)~~ ~~The diagram shall distinguish between friable and nonfriable material areas of the sampling area, and areas in the diagram that are not contained in the sampling area.~~

~~3)~~ ~~Any of the following features that are found within the sampling area shall be drawn on the diagram approximately to scale:~~

~~A)~~ ~~Damage caused by water or high humidity.~~

~~B)~~ ~~Damage due to vandalism, rough use, or other factors.~~

~~C)~~ ~~Patched or repaired material.~~

~~D)~~ ~~Areas that are inaccessible for the purpose of sampling the friable or nonfriable material.~~

~~h)~~ ~~If one sampling area contains friable or nonfriable material areas that are not adjacent (for example, areas on different floors of the school building where the material is the same), each separate area shall be sketched according to the above instructions. Place all sketches on the same graph, as closely together as possible. The sampling area may contain areas that are not in the same plane (for example, a ceiling and a wall with the same type of friable or nonfriable material). In this case, each flat surface shall be sketched according to the above instructions and~~

~~these sketches placed on the same graph, as close together as possible.~~

~~i)~~ ~~On each sampling area diagram, the following information shall be recorded:~~

~~1)~~ ~~Sampling area identification number that distinguishes the sampling area from all others of the school building.~~

~~2)~~ ~~Brief description of the sampling area.~~

~~3)~~ ~~Area dimensions and scale.~~

~~4)~~ ~~Name and address of the school.~~

~~5)~~ ~~Name and telephone number of the school official contacted.~~

~~6)~~ ~~Name of inspector and date of inspection.~~

~~7)~~ ~~Name of person preparing the diagram and date prepared.~~

~~j)~~ ~~For piping, vent and boiler diagrams:~~

~~1)~~ ~~A diagram shall be drawn which includes room dimensions and sample locations. (See Appendix B, Illustration D.)~~

~~2)~~ ~~Sample locations shall be described.~~

~~k)~~ ~~These diagrams shall be included with the "Building Inspection" form.~~

~~l)~~ ~~Sampling Procedure~~

~~1)~~ ~~The sampling area shall be divided into nine equally sized subareas. This shall be done by dividing the length and width of the sampling area into three equal lengths and three equal widths and drawing a grid over the diagram (see Appendix B, Illustrations C through G).~~

~~2)~~ ~~The diagrams in Appendix B, Illustration E show which subareas to use in order to follow a random sampling scheme. For the first area to be sampled, the nine subareas shall be numbered as shown for sampling area #1 in Appendix B, Illustration E. If three samples are needed, they shall be taken from the subareas marked 1, 2 and 3. If 5 samples are needed,~~

they shall be taken from the subareas marked 1, 2, 3, 4 and 5, and so on. Samples shall be taken from approximately the center of a subarea, or as close as possible to the center if inaccessibility, presence of light fixtures, etc., make the center location impractical. If a subarea is specified that falls entirely outside the sampling area, the next specified subarea shall be used. For example, if subarea 3 falls outside the sampling area, the third sample from subarea 4 shall be taken.

3) For very irregularly shaped areas, the sampling area may be divided into nine approximately equally sized subareas that do not necessarily form a rectangular grid. The diagrams in Appendix B, Illustration E will then need to be adapted to the specific situation. Appendix B, Illustration F shows an example of a Y-shaped sampling area that is divided into nine equally sized subareas. The first diagram of Appendix B, Illustration E was adapted accordingly to number the subareas. When adapting sampling diagrams, the order of the numbered subareas from left to right and top to bottom shall be retained wherever possible.

4) For each sampling area, a new diagram in accordance with Appendix B, Illustration E shall be used. If there are more than 18 sampling areas, a new diagram shall be used, starting again at the top (Sampling Area #1) of Illustration E to determine sampling locations for sampling area 19 and higher.

m) The following shall be required for reinspections:

1) All items included in Section 855.Appendix B, Illustration H.

2) Any additional suspect ACBM found during the reinspection, that was not included in the original management plan or previous reinspection report, shall be sampled according to procedures in Section 855.310(d) or listed as assumed ACBM and added to the management plan.

3) Inspections shall be conducted only during non-school hours when students or school personnel are not present. Samples shall not be collected in areas when and where students or school personnel are present.

4) Within 30 days after the reinspection, the Department-licensed inspector

~~shall submit to the LEA the following:~~

~~A)~~ ~~The date of the reinspection.~~

~~B)~~ ~~The name and signature of the Department-licensed inspector performing the reinspection and the licensed management planner.~~

~~C)~~ ~~The current Department-issued license number of the inspector/management planner and the current training course certificate at the time of the inspection.~~

~~D)~~ ~~Any changes in condition of known or assumed ACBM.~~

~~E)~~ ~~Any changes in the classification of an assumed ACBM to a non-ACBM shall be performed in accordance with the requirements of this Section.~~

~~F)~~ ~~If the LEA chooses to resample known ACBM, the results of the new sampling shall use TEM to prove that the material is not ACBM.~~

~~G)~~ ~~Any changes in the response action recommendations.~~

(Source: Repealed at 37 Ill. Reg. _____, effective _____)

Section 855.325 Management Plan <u>(Repealed)</u>

~~a)~~ ~~In accordance with 40 CFR 763, each Local Educational Agency (LEA) shall submit to the Department the management plan for each individual school. The management plan shall comply with the management plan protocol in Section 855.Appendix B, Illustration H and Illustration I.~~

~~b)~~ ~~The management plan for each school building shall include:~~

~~1)~~ ~~Inspection report with assessment of each homogeneous area as required in Section 855.310.~~

~~2)~~ ~~Laboratory analysis report.~~

~~3)~~ ~~Response action plans for each homogeneous area of ACBM in~~

~~accordance with 40 CFR 763.90.~~

~~4)~~ ~~Operations and maintenance program for each homogeneous area of ACBM until such time as it is removed.~~

~~c)~~ ~~Any management plan submitted without all materials listed in subsections (b)(1)-(4) of this Section shall be considered incomplete and shall be returned to the LEA.~~

~~d)~~ ~~The Department shall have 90 days to respond to the submitted management plan. The Department shall consider the following factors in deciding to approve or disapprove a management plan: the timeliness of submission, preparation by a Department-licensed management planner, inclusion of an inspection report prepared by a Department-licensed inspector approved by the Department, and inclusion of the materials required under subsection (b) of this Section.~~

~~e)~~ ~~If the plan is not disapproved within this time, the LEA shall implement the plan.~~

~~f)~~ ~~If the plan is disapproved within this time, the LEA has 30 days to resubmit the plan. The Department may allow, in writing, an extension of an additional 60 days for resubmission. The Department will consider the size of facilities, number of buildings and the degree to which the management plan fails to comply with the requirements of this Part, before granting an extension.~~

(Source: Repealed at 37 Ill. Reg. _____, effective _____)

Section 855.330 Operations and Maintenance <u>(Repealed)</u>

~~a)~~ ~~The school board or building owner shall designate a person who shall be responsible for the implementation of an operations and maintenance plan. The plan shall be instituted in every school identified or assumed as having ACBM and shall be enforced at all times. The plan shall be in writing and shall meet the requirements of USEPA (40 CFR 763) and OSHA Regulations (29 CFR 1926.1101).~~

~~b)~~ ~~Repair Procedures. Department-licensed asbestos workers shall be utilized when ACBM must be drilled, sanded, cut, or repaired, or friable ACBM must be cleaned and the following procedures shall be followed:~~

~~1)~~ ~~Heating, cooling, or ventilating air systems shall be shut down to prevent~~

~~fiber dispersal to other areas of the building.~~

~~2)~~ ~~Openings in the work area, including windows, doorways, vents, and any other openings, shall be sealed off with six mil polyethylene or equivalent sheeting and duct tape.~~

~~3)~~ ~~All persons shall wear respirators equipped with high efficiency HEPA filters and approved by the National Institute for Occupational Safety and Health (NIOSH).~~

~~4)~~ ~~All persons shall wear disposable full body coveralls and head gear.~~

~~5)~~ ~~ACBM shall be wet down with amended water before repairing or disturbing the material to reduce airborne fiber release.~~

~~6)~~ ~~Work area shall be cleaned up using wet rags, mops or sponges, leaving no visible residue.~~

~~7)~~ ~~Asbestos-contaminated waste shall be sealed in six mil labeled plastic bags and disposed of at an approved disposal site.~~

~~8)~~ ~~Maintenance or repair which results in the disturbance of ACBM shall be conducted in accordance with OSHA Regulations 29 CFR 2926.1101(e) and (g).~~

~~c)~~ ~~The Floor Tile Project Notice form provided by the Department must be submitted at least 10 working days prior to the beginning of an asbestos resilient floor covering material project in a school building.~~

(Source: Repealed at 37 Ill. Reg. _____, effective _____)

Section 855.340 Whole Floor Tile Removal Procedures

Removal of nonfriable asbestos-containing floor tile in a manner that is not likely to result in release of asbestos fibers, and that is performed in accordance with the following minimum standards, shall not be considered a response action. The following provisions are intended to ensure that proper work procedures shall be followed and that building occupants shall not be subjected to asbestos hazards. The notification form provided by the Department shall be submitted at least two working days prior to the beginning of a whole floor tile removal

procedure. The completed form shall contain only correct and accurate information. Any changes to the notification shall be submitted to the Department prior to implementing the change.

a) All floor tile that has previously been analyzed using PLM and was found to be negative shall be re-analyzed using TEM prior to being disturbed. The analysis shall be conducted using the "Test Method -- Method for the Determination of Asbestos in Bulk Building Materials", TEM method.

b) Sheet vinyl flooring and associated adhesive shall be removed by an asbestos abatement contractor.

c) Removal of whole floor tile and associated adhesives.

1) All movable objects shall be removed from the area where whole floor tile removal will take place. Baseboards and moldings shall remain in place until the area is properly isolated.

2) The area where whole floor tile removal will take place shall be isolated in a manner (e.g., plywood barriers, chained and locked doors, etc.) that prevents access by unauthorized individuals.

3) All entrances to the area where whole floor tile removal will take place shall be demarcated with signs that contain the following information: "Danger - Asbestos - Cancer and Lung Disease Hazard - Authorized Personnel Only."

4) Before removal of floor tile begins, the entire floor shall be vacuumed using a HEPA vacuum with a floor attachment.

5) The floor tiles and associated adhesive shall not be sanded, abraded, drilled, sawed, bead blasted, chipped or pulverized.

6) Dry sweeping shall not be permitted.

7) All tiles in the area shall be misted with water using an airless sprayer, unless heat methods are used.

8) All tiles shall be removed as whole tiles. If tiles break or tear, a licensed asbestos supervisor shall evaluate whether the project can continue without further breakage or tearing. If the licensed asbestos supervisor determines that the floor tiles cannot be removed whole, the project shall be considered friable removal and conducted in accordance with this Part. All floor tile removal shall be in accordance with Section 855.460. One of the following methods shall be used when conducting whole tile removal:

A) Flooding technique

i) The floor tile shall be saturated with water.

ii) Care shall be taken to ensure that water does not leak outside of the area where whole tile removal is taking place.

iii) Once tiles are no longer adhering to the flooring surface, the tiles shall be removed as whole tiles.

iv) Additional water shall be added to the tiles that remain adhered to the flooring surface. This process shall be repeated, until all tiles have been removed as whole tiles.

v) The floor tiles that have been removed shall be placed in labeled leak-tight containers (e.g., 6-mil plastic bags, or drums).

vi) Excess water shall be absorbed using towels and drying agents and placed in labeled leak-tight containers (e.g., 6-mil plastic bags, or drums)

B) Heat Method

i) Negative air pressure equipment may be used to exhaust/filter the air in the area where whole tile removal will take place. The negative air pressure equipment shall be exhausted to unoccupied outdoor areas.

ii) Tiles shall be heated according to the equipment manufacturer's instructions or with a heat gun until they are pliable.

iii) The tiles shall be removed as whole tiles by hand or using a blunt-edged scraper. Scraping of the residual mastic shall not be permitted.

iv) The floor tiles shall be promptly placed in labeled leak-tight containers (e.g., 6-mil plastic bags, or drums).

v) Once all floor tiles have been removed, the area shall be vacuumed using a HEPA vacuum with floor attachment.

9) Care shall be taken to avoid walking on exposed adhesive. All footwear shall be removed before exiting the work area. The footwear shall be cleaned or disposed of as asbestos contaminated waste. A decontamination area shall be established adjacent to the work area

consisting of a plastic drop cloth and HEPA vacuum equipment to facilitate the removal of footwear and disposable clothing.

10) The exposed adhesive shall be removed using non-hazardous adhesive removal products.

11) The adhesive removal product shall be applied using an airless sprayer, mop or squeegee. The adhesive removal product may be moved with a mop or squeegee to other portions of the area. Care shall be taken to ensure that the adhesive removal product does not leak outside of the area where whole tile removal has taken place.

12) The slurry of adhesive and adhesive removal product shall be collected and contained in labeled leak-tight containers (e.g., 6-mil plastic bags or drums).

13) Once all adhesive has been removed, the area shall be vacuumed using a HEPA vacuum with floor attachment.

14) The floor shall then be cleaned with a cleaner/neutralizer to remove any residual adhesive or adhesive removal product.

15) Eating, drinking, smoking, chewing tobacco or gum, and applying cosmetics shall be prohibited in the area where whole tile removal will take place.

16) The floor tile supervisor shall oversee all activities in the area where whole tile removal occurs and ensure that all activities are in compliance with this Part.

d) Floor tile supervisor and floor tile worker training courses shall be conducted in compliance with 29 CFR 1926.1101(k)(9). The floor tile supervisor course shall be a 12-hour course and the floor tile worker course shall be an eight-hour course. If the individual already possess a valid IDPH asbestos supervisor or asbestos worker license, no other training is required. All training and licensing documentation shall be on site during removal activities.

e) Prior to commencement of renovation activities, 40 CFR 61.145(a) and this Part require the owner or operator to use an asbestos inspector to inspect the affected facility or part of the facility where the renovation operation will occur. The inspection shall determine the presence, location and quantity of asbestos, including Category I and Category II non-friable ACM. Bulk sample analysis results shall be on site.

f) Annual refresher training shall be conducted for all floor tile asbestos supervisors and floor tile asbestos workers. The refresher training course shall be an eight-hour course for the supervisor and a four-hour course for the worker. If the individual possesses a valid IDPH asbestos supervisor or asbestos worker license, the refresher course required by the Asbestos School Hazard Abatement Reauthorization Act (ASHARA) requirements will satisfy the refresher training.

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 855.350 Submissions and Notices (Repealed)

~~a) The contractor shall submit the following items to the Department postmarked or facsimile dated at least 10 working days prior to the commencement of an asbestos abatement project.~~

~~1) The Notice of Asbestos Abatement Form provided by the Department shall be completed and submitted by the contractor for all abatement projects. The completed form shall contain only correct and accurate information.~~

~~2) Written permission from the building owner confirming the authorization for the commencement of abatement according to Section 855.450(g) shall be attached to the notification form and submitted to the Department.~~

~~b) The contractor shall notify the Department in writing on the form provided by the Department prior to any change in start date, completion date and scope of the project.~~

~~c) Five days prior to commencement of work, the contractor shall submit the following items to the project manager. These items shall be up-to-date and shall be maintained at the abatement site by the project manager.~~

~~1) Documentation of arrangements for the transport and disposal of asbestos-containing or contaminated materials and supplies and the name and location of the disposal site.~~

~~2) Documentation that each asbestos worker and supervisor are licensed.~~

~~3) Drawings for layout and construction of decontamination enclosure~~

~~systems and barriers for isolation of the work area.~~

~~4)~~ ~~When rental equipment is to be used in removal areas or to transport waste materials, a copy of the written notification to inform the rental company of the nature of use of the rented equipment.~~

~~5)~~ ~~Results of materials testing as conducted before the abatement for purposes of utilization during abatement activities (e.g., testing of encapsulant for depth of penetration, testing of substitute materials for adherence to encapsulated surfaces).~~

~~6)~~ ~~Copies of initial and current accreditation certificates of all licensed persons and the original license. The project manager shall make copies of all licenses at the location where they are conducting work. Failure to have accreditation certificates at the job site could result in decertification.~~

~~d)~~ ~~During abatement activities the contractor shall submit on a weekly basis the following items to the project manager and the project manager shall maintain this documentation at the abatement site:~~

~~1)~~ ~~Job progress reports detailing abatement activities, including a review of progress with respect to previously established schedules, problems and actions taken, injury reports, and equipment breakdowns.~~

~~2)~~ ~~Copies of all transport manifests, trip tickets and disposal receipts for all asbestos waste materials removed from the work area during the abatement process shall be submitted to the project manager within 10 days after the completion of the project.~~

~~3)~~ ~~Copies of worksite entry log books with information on worker and visitor access.~~

~~4)~~ ~~Logs documenting filter changes on respirators, HEPA vacuums, negative pressure ventilation units, and other engineering controls.~~

~~5)~~ ~~Logs documenting that each asbestos worker present and in the abatement area was licensed as such by the Department.~~

~~6)~~ ~~Any revisions to the start date, completion date or scope of the project.~~

~~e) Prior to commencement of work the school board or the building owner shall:~~

~~1) Notify occupants of work areas that may be disrupted by the abatement project of dates and requirements for relocation. Arrangements must be made prior to start of the project for relocation of desks, files, equipment and personal possessions in order to avoid unauthorized access into the work area by building occupants. Notification of all building occupants and users is required in order to prevent unnecessary or unauthorized access to the contaminated work area.~~

~~2) Submit to the contractor and project manager results of background level air sampling, including sampling location, name of the air sampling professional, equipment utilized and method of analysis. Background air samples shall be collected and analyzed prior to the start of project activities.~~

~~3) Provide to the contractor information concerning access, shutdown, and protection requirements of equipment and systems in the work area.~~

~~4) Submit to the contractor names and addresses of all asbestos project managers and air sampling professionals assigned to the project prior to the commencement of abatement. Any changes of the building owners' representatives shall be submitted to the contractor in writing prior to such change.~~

~~5) Provide to the contractor written permission authorizing the commencement of asbestos abatement.~~

~~6) The school board or building owner shall provide the contractor with written verification that notification of all building occupants and users have been made pursuant to this Section prior to commencement of the project. Such written verification shall be submitted to the Department by the contractor with the Notice of Asbestos Abatement form provided by the Department.~~

(Source: Repealed at 37 Ill. Reg._____, effective _____)

Section 855.360 Demolition of <u>a Commercial and Public Building</u> ~~a School~~ Building

a) Demolition of a CPB ~~school building~~ shall be conducted in accordance with the National Emission Standards for Hazardous Air Pollutants (40 CFR 61)~~, and~~ OSHA ~~Occupational Safety and Health Administration~~ regulations (29 CFR 1910 and 1926) and this Part.

b) The LEA ~~building owner~~ shall inform the Department in writing of the planned demolition of a school building**.**

c) If a portion of a CPB ~~building~~ containing ACBM is to be demolished, the portion to be demolished shall be separated from the portion to remain by airtight barriers. Barriers erected for this purpose shall comply with Section 855.430(a).

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 855.370 Workplace Entry and Exit Procedures

Personnel Entry and Exit. The asbestos abatement contractor shall post all ~~All~~ of the following procedures ~~shall be posted~~ in the clean room ~~by the abatement contractor~~. The asbestos abatement contractor shall enforce the procedures, and the procedures ~~These procedures~~ shall be ~~enforced by the abatement contractor and shall be~~ followed throughout the abatement project until clearance air monitoring has been performed and the area has passed final clearance.

a) All personnel and authorized visitors shall enter the work area through the worker decontamination enclosure system.

b) All personnel who enter the work area shall sign the entry log, located in the clean room, upon entry and exit.

c) All personnel, before entering the work area, shall read and be familiar with all posted regulations, personal protection requirements (including workplace entry and exit procedures) and emergency procedures. A sign-off sheet shall be used to acknowledge that these have been reviewed and understood by all personnel prior to entry.

d) All personnel shall proceed first to the clean room, remove all clothing and don respiratory protection, disposable coveralls, head covering and foot covering. Clean respirators and protective clothing shall be provided and used ~~utilized~~ by each person for each separate entry into the work area.

e) Wearing ~~Personnel, wearing~~ designated personal protective equipment, personnel shall proceed from the clean room, through the shower room and equipment room, to the main work area.

f) Before leaving the work area, all personnel shall remove gross contamination from the outside of respirators and protective clothing by brushing or ~~and/or~~ wet cleaning procedures. Each person shall clean the bottoms of protective footwear immediately prior to entering the equipment room.

g) Personnel shall proceed to the equipment room, where all protective equipment except respirators shall be removed. Disposable clothing shall be deposited into labeled containers for disposal (see Section 855.390(h)).

h) Reusable~~,~~ contaminated footwear shall be stored in the equipment room when not in use in the work area and shall be disposed of as asbestos contaminated waste upon completion of abatement. (Rubber boots may be decontaminated at the completion of the abatement for reuse.)

i) Still wearing respirators, personnel shall proceed to the shower area, clean the outside of the respirator and the exposed face area under running water prior to removal of the respirator, and then shower and shampoo to remove residual asbestos contamination. Various types of respirators will require slight modification of these procedures. An airline respirator with HEPA-filtered disconnect protection may be disconnected in the equipment room and worn into the shower. A powered air-purifying respirator facepiece should be disconnected from the filter/power pack assembly, which is not waterproof, upon entering the shower.

j) After showering and drying, personnel shall proceed to the clean room and don clean disposable clothing if returning to the work area or street clothes at the end of the work shift.

k) The asbestos abatement contractor shall post a list of emergency numbers at the work area, including local hospital or emergency squad, local fire department, security office (if applicable), building owner's representative, 24-hour contact information for the asbestos abatement contractor, asbestos abatement contractor's headquarters and architect or other professional consultants.

l) The asbestos abatement contractor shall retain a copy of this Part at the work area.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 855.380 Building Protection

a) A negative air pressure differential of at least 0.02 inches of water column, relative to outside ambient air pressure, shall be maintained at all times throughout the contained area during the asbestos abatement work to ensure that contaminated air in the work area does not filter back to uncontaminated areas. The asbestos abatement contractor shall provide instrumentation ~~Instrumentation~~ (a monometer with a readable tape) for measuring pressure differential ~~shall be provided by the contractor~~ in accordance with OSHA regulations at 29 CFR 1926.1101.

b) Once the contained area is established, the negative pressure system shall operate continuously, 24 hours a day, from the start of the abatement work to final air clearance.

c) Asbestos fiber levels in areas adjacent to the contained area shall not exceed 0.01 fibers per cubic centimeter of air (f/cc) or background levels, whichever is higher, as determined by PCM. Work shall immediately cease in the area if fiber counts in adjacent areas are found to exceed this amount. Remedial action (e.g., wet cleaning) shall be taken to reduce the ~~such~~ levels to those required by this Section.

d) The asbestos abatement contractor shall be responsible for cleanup of any adjacent areas that ~~which~~ become contaminated as a result of the asbestos abatement activities.

e) For removal of asbestos associated with the exterior windows and doors that are not included as part of a portico or covered walk area, the building/facility owner shall ensure that the exterior windows and doors are removed from the exterior side of the building. The interior of the window or door opening shall be enclosed with two layers of 6-mil air-tight polyethylene and plywood barriers prior to disturbing ACM.

f) When response actions are conducted in a crawl space or tunnel and asbestos-containing waste materials have been indentified, including bare soil and non-cleanable surfaces, the area shall remain isolated to restrict access to all personnel

other than those providing response action services. The area shall remain isolated until the designed response action has been successfully completed in accordance with this Part. The area shall be labeled with asbestos warning signs and maintained until the asbestos contamination has been completely removed.

(Source: Amended at 37 Ill. Reg._____, effective _____)

Section 855.390 Materials and Equipment

The asbestos abatement contractor performing asbestos abatement ~~in a school~~ shall furnish all labor, materials~~,~~ and equipment necessary for completion of the project.

a) All materials subject to damage shall be stored off the ground, away from wet or damp surfaces, and under protective cover to prevent damage or contamination. Replacement materials shall be stored outside of the work area until abatement is completed.

b) Damaged and deteriorating materials shall not be used and shall be removed from the premises.

c) Plastic (polyethylene) sheeting, in sizes to minimize the frequency of joints, shall be furnished.

d) Duct tape shall be used for sealing joints of adjacent sheets of plastic and facilitating attachment of plastic sheets to finished or unfinished surface.

e) Spray adhesive shall be capable of providing additional sealing of joints and facilitating attachment of plastic sheeting to finished or unfinished surfaces where needed.

f) The surfactant used to produce amended water shall be a product that is nontoxic, noncarcinogenic, and is not an eye, nose~~,~~ or skin irritant.

g) Airtight and watertight containers shall be provided to receive and retain any asbestos-containing or asbestos-contaminated materials for storage until disposal at a landfill. The containers shall be labeled in accordance with OSHA regulation 29 CFR 1926.1101(k)(8~~7~~).

h) Plastic asbestos disposal bags shall be 6 ~~six~~ mil or equivalent in thickness and be

marked with caution labels in accordance with OSHA regulation 29 CFR 1926.1101(k)(8~~7~~).

i) Enclosure materials shall be impact resistant and assembled to be airtight. Gypsum panels taped at the seams, tongue and groove boards~~,~~ and boards with spline joints all meet this requirement. Joints between walls and ceilings shall be caulked.

j) An encapsulant shall adhere to the fibrous substrate with sufficient penetration to prevent separation of the sealant from the asbestos-containing materials ~~(see Section 855.240)~~.

~~k) Negative air pressure equipment shall be in compliance with ANSI Z9.2 (1991), Local Exhaust Ventilation.~~

~~l) Negative air pressure systems shall be operated in accordance with "Specifications and Operating Procedures for the Use of Negative Pressure Systems for Asbestos Abatement," Guidance for Controlling Friable Asbestos-Containing Materials in Buildings, EPA Report Number 560/5-85-024 (1985).~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 855.400 Work Area Preparation

The asbestos abatement contractor shall perform the following steps, in the order in which they appear, to prepare the work area~~. The contractor shall~~:

a) The ~~Complete the~~ requirements in Section 855.430 shall be completed. Any barriers, such as temporary walls or ceilings, needed to completely enclose the work area, shall be constructed in accordance with Section 855.430.

b) Caution ~~Post caution~~ signs meeting the specifications of OSHA 29 CFR 1926.1101(k)(7~~6~~) shall be posted at any location and approaches to a location where airborne concentrations of asbestos may exceed ambient background levels. Signs shall be posted to permit a person to read the sign and take the necessary protective measures to avoid exposure before entering the work area.

c) Electric ~~Shut down and lock out electric~~ power to all contained areas shall be shut down and locked out on a daily basis. "Shut down and locked out ~~Down and~~

~~Lock Out~~" means to switch off all electrical circuit breakers serving power or lighting circuits that ~~which~~ run to, or through, the contained area. Circuit ~~Label circuit~~ breakers shall be labeled with tape over the breakers with the notation "DANGER, circuit being worked on". The ~~Lock the~~ electrical door or panel shall be locked with separate locks, one lock and key for the supervisor and one lock and key for the project manager. No other personnel shall have keyed access to the electrical power in the contained area. Temporary ~~Provide temporary~~ power and lighting shall be provided and shall ensure safe installation of temporary power sources and equipment in accordance with the National Electrical Code (see Section 855.10(b)(1)). All power to work areas shall be brought in from outside the area through ground-fault circuit interrupters at the source.

d) Heating ~~Shut down and isolate heating~~, cooling~~,~~ and ventilating air systems shall be shut down and isolated to prevent contamination and fiber dispersal to other areas of the structure. All ~~Remove all~~ HVAC system filters shall be removed and placed ~~and place~~ in labeled 6- ~~six~~ mil polyethylene or equivalent bags for disposal as asbestos-contaminated waste. The ~~Clean the~~ filter assembly and outside of the duct work shall be cleaned using HEPA vacuums or wet cleaning techniques.

e) All ~~Seal off all~~ openings to windows, corridors, doorways, skylights, ducts, grills, diffusers~~,~~ and any other penetrations of the work areas shall be sealed off~~,~~ with 6- ~~six~~ mil plastic or equivalent sheeting sealed with tape. All ~~Also seal all~~ seams in system components that pass through the contained area shall also be sealed. Doorways and corridors that ~~which~~ will not be used during work shall ~~must~~ be sealed with barriers as described in Section 855.430.

f) Proposed contained area~~.~~

1) The asbestos abatement contractor shall conduct the following where ~~Where~~ friable ACBM is present in the proposed contained area as defined in the asbestos inspection report, management plan and ~~and/or~~ project designer's specifications~~, the following shall be conducted by the contractor~~:

A) Movable ~~Pre-clean movable~~ objects within the proposed work areas shall be pre-cleaned using HEPA-filtered vacuum equipment or ~~and/or~~ wet cleaning methods~~, as appropriate,~~ and shall be removed ~~remove such objects~~ from work areas to a temporary location.

B) Upholstered furniture and drapes shall be HEPA vacuumed twice before removal from the work area.

C) Carpeting shall be removed and disposed of as asbestos-containing waste material, unless the following are complied with:

i) In a manner sufficient to determine the presence of asbestos, ~~take one~~ representative bulk samples shall be taken ~~sample~~ from each homogeneous material in the proposed contained area, which shall include the carpet fiber, the carpet backing~~,~~ and the carpet mastic.

ii) The bulk samples shall be analyzed by ~~Transmission Electron Microscopy (~~TEM~~)~~ method. If the samples are found to contain no asbestos fibers, the carpet may remain in place if protected from contamination.

iii) Carpets ~~Cover carpets~~ that have been reported as containing no asbestos fibers shall be covered with two layers of 6- ~~six~~ mil poly or equivalent, and ½-inch ~~or place 7/16"~~ plywood or equivalent shall be placed over the layer of 6-~~six~~ mil poly and then ~~place~~ two additional layers of 6-~~six~~ mil poly shall be placed over the ½-inch ~~7/16"~~ plywood.

iv) Upon completion of the abatement operations, the carpeting shall be re-sampled (as described in subsection (f)(1)(C)(i) of this Section). If the carpet is reported to contain asbestos fibers, the carpet shall be removed and disposed of as asbestos-containing waste.

v) A project designer shall determine through scientific methods that the carpet is not contaminated with asbestos fibers.

D) Fixed ~~Pre-clean fixed~~ objects and specific equipment items that ~~which~~ will remain within the proposed contained areas shall be pre-cleaned ~~,~~ using HEPA-filtered vacuum equipment or ~~and/or~~ wet cleaning methods ~~as appropriate~~. The fixed objects shall then

be wrapped with a minimum of one layer of 6-~~six~~ mil poly or equivalent.

E) The ~~Pre-clean the~~ proposed contained areas shall be pre-cleaned using HEPA-filtered vacuum equipment or ~~and/or~~ wet cleaning methods ~~as appropriate~~. Methods that raise dust, such as dry sweeping or vacuuming with equipment not equipped with HEPA filtration, are prohibited. ACBM shall not be disturbed during pre-cleaning.

2) Where no friable ACBM is present in the proposed contained area ~~as defined in the asbestos management plan and/or Project Designer's specifications,~~ and where the abatement work scheduled consists of nonfriable ACBM only, the asbestos abatement contractor shall conduct the following ~~shall be conducted by the contractor~~:

A) All ~~Remove all~~ movable objects shall be removed from the proposed ~~work~~ contained area to a temporary location.

B) All ~~Wrap all~~ fixed objects and specific equipment items that ~~which~~ will remain in the proposed ~~work~~ contained areas shall be wrapped with a minimum of one layer of 6-~~six~~ mil poly or equivalent.

g) The ~~Clean the~~ proposed contained areas shall be cleaned using HEPA-filtered vacuum equipment or ~~and/or~~ wet cleaning methods ~~as appropriate~~. Methods that raise dust, such as dry sweeping or vacuuming with equipment not equipped with HEPA filters, is prohibited.

h) A ~~Provide a~~ worker decontamination enclosure system shall be provided in accordance with Section 855.410 before ACBM is disturbed.

i) All surfaces in contained areas shall be covered with plastic sheeting sealed with tape in accordance with the following:

1) Where a ceiling in the contained area is not cleanable, except as described in subsection (k) of this Section, a minimum of 6-mil or equivalent plastic sheeting with sufficient support shall be used to maintain integrity through completion of clearance air monitoring (no plastic ceiling shall be required when the project includes the removal of ceiling material or the ceiling is a

cleanable surface).

2) A minimum of two layers of 6-mil plastic sheeting or equivalent on floors (no plastic on the floor shall be required when the project includes removal of floor tile and associated mastic) shall be used to cover floors.

3) A minimum of two layers of 4-mil plastic or equivalent shall be used on walls.

4) Floors shall be covered first so that plastic extends at least 12 inches up on walls; then walls shall be covered with plastic sheeting to the floor level, thus overlapping the floor material by a minimum of 12 inches. The plastic shall be sized to minimize seams. Seams shall be staggered and separated by a distance of at least 6 feet. ~~Cover the floor and wall surfaces in contained areas with plastic sheeting sealed with tape. Use a minimum of two layers of six mil plastic or equivalent on floors (no plastic on the floor shall be required when the project includes removal of floor tile and associated mastic) and two layers of four mil plastic or equivalent on walls. Cover floors first so that plastic extends at least 12 inches up on walls, then cover walls with plastic sheeting to the floor level, thus overlapping the floor material by a minimum of 12 inches. The plastic shall be sized to minimize seams. Seams shall be staggered and separated by a distance of at least six feet. In hallways where asbestos materials are adjacent to lockers, sheeting shall extend to the top of the lockers.~~

j) Ceiling ~~Remove and clean ceiling~~ mounted objects such as light fixtures, electrical track, alarm systems, ventilation equipment and other items not previously sealed off~~,~~ that interfere with asbestos material removal shall be removed and cleaned. Localized ~~Use localized~~ water spraying or HEPA-filtered vacuum equipment shall be used during fixture removal to reduce fiber dispersal.

k) Ceiling tiles~~.~~

1) Except as specified in subsection (k)(2) of this Section, suspended ceiling tiles and components shall remain in place until the contained area has been plasticized and worker and equipment decontamination enclosures are in place ~~and then removed and disposed of as asbestos-contaminated waste~~. The ceiling tiles within the contained area shall then be removed and disposed of as asbestos-contaminated waste. All surfaces above the

ceiling tile shall be covered with plastic sheeting in accordance with subsection (i) of this Part.

2) Where no friable ACBM is present in the proposed work area ~~as defined in the asbestos management plan and/or project designer's specification~~, in lieu of removal and disposal of suspended ceiling tile and components, the following shall be conducted:

A) Suspended ceiling tiles and components may remain in the proposed work area if isolated from the proposed work area by erection of workplace ~~work place~~ barriers consisting of a minimum of one layer of 6-~~six~~ mil poly or equivalent.

B) Suspended ceiling tiles may be removed from the proposed work area prior to erection of the work area decontamination unit. Ceiling tiles may be stored in a temporary location and re-installed after acceptable final air clearance sampling has been completed and the contained area tear down is completed.

l) Emergency ~~Maintain emergency~~ and fire exits from the work areas shall be maintained or ~~establish~~ alternative exits shall be established.

m) All ~~Dispose of all~~ materials inside the contained area (scrap poly, towels, spray cans, enclosure barriers, etc.) shall be disposed of as ACBM, with the exception of tools, equipment, rubber boots~~,~~ and other cleanable, reusable items. Tools, equipment~~,~~ and other reusable items shall be wet wiped and wrapped in 6-~~six~~ mil poly before removing them from the work area.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 855.410 Worker Decontamination Enclosure System

The asbestos abatement contractor shall construct or provide a worker decontamination enclosure system in accordance with the following:

a) Worker decontamination enclosure systems shall be provided at all locations where workers will enter or exit the work area. These systems may consist of existing rooms outside of the work area, if the layout is appropriate, that can be enclosed in plastic sheeting and are accessible from the work area. When this

situation does not exist, enclosure systems may be constructed out of metal, wood or plastic support ~~as appropriate~~, or a portable unit may be used ~~utilized~~ (see Appendix A~~.,~~Illustration A ~~D~~).

b) Worker decontamination enclosure systems constructed at the worksite of plastic sheeting installed over a framework shall use 6- ~~utilize six~~ mil opaque polyethylene or equivalent strength sheeting.

c) The worker decontamination enclosure system shall consist of at least a clean room, a shower room~~,~~ and an equipment room, separated from each other by airlocks.

d) Entry to and exit from all airlocks and decontamination enclosure system chambers shall be through curtained doorways.

e) Access between any two rooms in the decontamination enclosure system shall be through an airlock with at least 3 ~~three~~ feet separating each curtained doorway. Pathways into (from clean to contaminated) and out from (contaminated to clean) the work area shall be clearly designated. On nonschool abatement projects the 3-foot airlocks may be omitted.

f) The clean room shall be sized to accommodate the clothes and equipment of the work crew. Benches shall be provided, as well as hooks for hanging up street clothes. Lockers may be provided for valuables; however, workers may be requested to secure valuables elsewhere. Shelves for storing respirators shall also be provided in this area. Clean work clothes (if required under disposables), clean disposable clothing, replacement filters for respirators, towels and other necessary items shall be provided in the clean room. A location for postings shall also be provided in this area. A lockable door shall be used to permit access into the clean room from outside the work area. This space shall not be used for storage of tools, equipment~~,~~ or materials, or as office space.

g) The shower room shall contain one or more showers to accommodate workers. Each shower head shall be supplied with hot and cold water adjustable at the tap. The shower enclosure shall be constructed to ensure against leakage of any kind. Soap, shampoo and towels shall be supplied by the asbestos abatement contractor and shall be available at all times. Shower water shall be drained, collected and filtered through a system with at least 5.0 micron particle size collection capability. A system containing a series of several filters with progressively

smaller pore sizes shall be used to avoid rapid clogging of the filtration system by large particles. Filtered wastewater shall be discharged to a sanitary sewer.

h) The equipment room shall be used for storage of equipment and tools at the end of a shift after decontamination using a HEPA-filtered vacuum or ~~and/or~~ wet cleaning techniques. Replacement filters (in sealed containers until used) for HEPA vacuums and negative pressure ventilation equipment, extra tools, containers of surfactant and other materials and equipment that may be required during the abatement may also be stored here as needed. A labeled 6-~~six~~ mil polyethylene or equivalent bag for collection of disposable clothing shall be located in this room. Contaminated footwear (e.g., rubber boots and other reusable footwear) shall be stored in this area for reuse.

(Source: Amended at 37 Ill. Reg._____, effective _____)

Section 855.420 Remote Decontamination Enclosure System

a) A remote worker or equipment decontamination enclosure system may be used when the asbestos abatement work occurring in a contained area ~~in a school~~ is restricted to the removal of nonfriable ACBM by a method that ~~which~~ does not cause the ACBM to become friable, or removal of thermal system insulation by use of a glovebag technique.

b) Worker access to and from a contained area shall ~~must~~ be through an airlock.

c) If a worker decontamination enclosure system attached to a contained area is to be used as a remote decontamination enclosure system for work conducted in other contained areas, access to the worker decontamination enclosure system consisting of one of the following methods may be provided, and shall be provided when it is not feasible for the equipment decontamination enclosure system to be used for this purpose:

1) An airlock attached to the equipment room of the decontamination enclosure system;~~.~~

2) A two-stage airlock, consisting of two airlocks in series, that ~~which~~ provides access directly to the contained area connected to the worker decontamination enclosure system; or~~.~~

3) If only nonfriable removal or removal by a glovebag technique is to be conducted in the contaminated area having the attached worker decontamination enclosure system, an airlock attached to the contained area.

d) Setup of the remote decontamination enclosure system shall be in accordance with Section 855.410.

e) The remote decontamination enclosure system shall be located inside the separation barriers and shall be in accordance with Section 855.430(b).

f) The following procedures shall be used with a remote decontamination enclosure system:

1) All persons entering the contained area ~~Licensed asbestos workers~~ shall don respiratory protection and two pairs of protective coveralls prior to entering the contained ~~removal~~ area.

2) After completion of the removal and cleaning, the person ~~worker~~ shall HEPA vacuum the outer suit, enter the airlock, remove the outer suit and dispose of it as asbestos-contaminated waste.

3) Still wearing the inner suit and respiratory protection, the person ~~worker~~ shall either proceed to another containment, don a second suit and enter, or proceed to the remote decontamination enclosure system.

4) The remote decontamination enclosure system shall consist of a five chamber unit as illustrated in Section 855.Appendix A.~~,~~Illustration A ~~D~~.

5) A HEPA-filtered negative air pressure unit shall be attached to the remote decontamination enclosure system at the equipment room end. The negative air unit shall be exhausted to the exterior of the building and shall operate in accordance with Section 855.380.

6) The remote decontamination enclosure system shall be wet cleaned after the completion of abatement, ~~and have a 12 hour settling period~~ prior to the collection of clearance air monitoring samples.

7) One aggressive air sample shall be taken in the equipment room and

analyzed by ~~phase contrast microscopy (~~PCM~~)~~ for clearance following ~~USEPA Asbestos Hazard Emergency Response Act (~~AHERA~~)~~ clearance standards. If the decontamination enclosure system does not meet clearance requirements, then the above ~~mentioned~~ procedure shall be repeated until clearance is obtained.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 855.425 Equipment Decontamination Enclosure System

The asbestos abatement contractor shall provide or construct an equipment decontamination enclosure system consisting of two totally enclosed chambers as follows:

a) The wash room ~~or cleanup room~~ shall be constructed with a curtained doorway to ~~a designated area of~~ the contained ~~work~~ area and a curtained doorway to the holding area.

b) The holding area shall be constructed with a curtained doorway to the wash room and a curtained doorway to the uncontaminated area. A lockable door shall be used to permit access into the holding area ~~a lockable door to the exterior of the building~~.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 855.430 Separation Barriers

a) Construction of Separation Barriers for ~~Enclosure of~~ Contained Areas

1) Separation barriers shall ~~may~~ be erected if required to enclose the contained ~~a work~~ area.

2) Barriers constructed to enclose a contained area shall be of ½-inch minimum thickness plywood, gypsum board or similar sheathing material with any framing required to properly support the barriers. Framing shall be on the outside of the barrier (outside the contained area). Gypsum board and similar cementitious material shall be protected on the work side from damage from moisture, such as by painting or by covering with polyethylene sheeting. The containment side of the barrier shall be covered with one layer of 6-mil polyethylene or equivalent sheeting. All

seams shall overlap and all edges shall be taped. ~~All seams and edges of the barriers shall be caulked, or the work side of the barrier shall be covered with 2 layers of six mil polyethylene or equivalent sheeting with overlapping seams and taped seams and edges.~~

3) If the space on the outside of the barrier is not occupied and is secured so that there is no access by building occupants, including custodial and maintenance employees, the barrier may be constructed of lumber or metal framing with a maximum on-center spacing of 24 inches, with two layers of polyethylene sheeting with staggered joints applied to the containment ~~each~~ side of the framing. Edges and seams shall ~~must~~ be taped.

4) The containment ~~work~~ side of the barrier shall be prepared, in accordance with this Section, before any other project activities are begun.

b) Construction of Separation Barriers for Work Areas ~~Separation of Secured Areas from Occupied Areas~~

1) The asbestos abatement contractor shall erect barriers ~~Barriers shall be erected by the contractor~~ where necessary to prevent possible access by building occupants to areas where asbestos project activities will occur.

2) Barriers erected to separate occupied areas of the building from secured areas, and that will not serve as containment barriers, shall be constructed of ½~~-~~inch minimum thickness plywood, gypsum board~~,~~ or similar sheathing material with sufficient framing to properly support the barrier.

3) The barrier shall extend from the floor level to within 6 ~~six~~ inches of the ceiling, but is not required to exceed a height of 8 ~~eight~~ feet above the floor.

4) If access through the barrier by abatement workers is required, an entrance with a lockable door shall be installed in the barrier.

5) If existing doors are used as separation barriers, the asbestos abatement contractor shall secure all doors to prevent access by building occupants. ~~In lieu of separation barriers erected to prevent access to the work area through lockable doors in accordance with subsection (b)(4) above, existing door locks shall be re-cylindered.~~

c) The asbestos abatement contractor shall exercise due caution to prevent disturbance of friable ACBM during the placement of separation barriers.

(Source: Amended at 37 Ill. Reg._____, effective _____)

Section 855.440 Maintenance of Decontamination Enclosure Systems and Workplace Barriers

a) Following completion of the construction of all polyethylene barriers and decontamination system enclosures, the asbestos abatement contractor, or his or her designated representative, and project manager shall allow a minimum of six hours settling time to ensure that barriers will remain intact and secured to walls and fixtures before beginning actual abatement activities. The negative air pressure equipment shall be in operation during this settling time.

b) The asbestos abatement contractor and project manager shall inspect all ~~All~~ polyethylene barriers inside the work area, in the worker decontamination enclosure system~~,~~ and in the equipment decontamination enclosure system, and partitions constructed to isolate the work area from occupied areas, ~~shall be inspected by the contractor and project manager~~ at least twice daily. The barriers shall be inspected before the start of and following the completion of the day's abatement activities. Inspections and observations shall be documented in all project log books.

c) Damage and defects in the enclosure system shall be repaired upon discovery.

d) The asbestos abatement contractor shall use smoke ~~Smoke~~ tubes ~~shall be used by the contractor~~ to test the effectiveness of the contained ~~work~~ area barrier system before abatement work begins and at least once a day thereafter until the work is completed. The project manager shall observe the test. Results and observations shall be documented in all project log books.

e) At any time during the abatement activities after barriers have been erected, if visible emissions are observed outside of the work area or if damage occurs to barriers, work shall stop, repairs shall be made to the barriers~~,~~ and visible residue cleaned up using appropriate HEPA-vacuuming and wet-mopping procedures prior to resuming abatement activities.

f) The asbestos abatement contractor shall HEPA vacuum or wet clean the equipment decontamination enclosure system and the entire worker decontamination enclosure system at the end of each day of abatement activities.

g) If air samples collected outside of the work area during abatement activities indicate airborne fiber concentrations greater than original background levels or 0.01 f/cc as determined by PCM, work shall stop for inspection and repair of barriers. Surfaces ~~Cleanup of surfaces~~ outside of the work area shall be cleaned using HEPA vacuums or wet cleaning techniques ~~shall be done~~. Air sampling shall indicate a fiber concentration less than background levels, or below 0.01 f/cc as determined by PCM, prior to resuming abatement activities~~.~~ (see ~~See~~ Section 855.180 ~~340(b)(2)(B)(iii).~~).

h) Negative pressure ventilation equipment shall be installed and operated to provide a minimum of four air changes in the work area every hour. Openings made in the enclosure system to accommodate these units shall be made airtight with tape or ~~and/or~~ caulking. If more than one ventilation unit is installed, units shall be turned on one at a time while checking the integrity of wall barriers for secure attachment and the need for additional reinforcement. A power supply shall be available to satisfy the requirements of the ventilating units. Negative pressure ventilation units shall be exhausted to the outside of the building away from occupied areas. Twelve-inch extension ducting shall be used to reach from the work area to the outside of the building when ducting is required. The asbestos abatement contractor and project manager shall conduct ~~Careful~~ installation, air monitoring and daily inspections ~~by the contractor and project manager shall be done~~ to ensure ~~insure~~ that the ducting does not release fibers into uncontaminated building areas.

i) Once the worker and equipment decontamination enclosures are constructed and reinforced, and with negative pressure ventilation units in operation, the asbestos abatement contractor shall test ~~worker and equipment decontamination enclosures shall be tested~~ for leakage, using ~~by the contractor, utilizing~~ smoke tubes. The project manager shall observe these tests. Enclosures shall be repaired or reconstructed as needed. Results and observations shall be documented in all project log books.

j) The asbestos abatement contractor shall identify and maintain emergency and fire exits from the work area.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 855.450 Commencement of Work

The asbestos abatement contractor shall not begin abatement work until the following requirements have been met:

a) Enclosure systems shall be constructed and tested.

b) All pre-abatement submissions, notifications, postings and permits shall be provided and are satisfactory to the project manager.

c) All equipment for abatement, cleanup and disposal shall be on hand.

d) All worker training and licensing shall be completed.

e) Arrangements shall be made for building security.

f) The number of clearance air samples and the specific sample locations shall be established in conjunction with the air sampling professional before abatement activity begins (see Section 855.470).

g) The asbestos abatement contractor shall receive written permission from the building owner or LEA to commence abatement. The ~~Such~~ written permission shall be submitted to the Department attached to ~~with~~ the Notification ~~Notice of Asbestos Abatement~~ Form provided by the Department.

h) The asbestos abatement contractor shall receive written verification from the building owner or LEA that all building occupants present during abatement activities are notified ~~The building owner shall notify all parents, faculty and staff~~ of the pending abatement project. ~~and notify the contractor with written verification of such notification~~ The asbestos abatement contractor shall submit the ~~Such~~ written verification ~~shall be submitted~~ to the Department ~~by the contractor~~ attached to the Notification ~~Notice of Asbestos Abatement~~ Form provided by the Department.

i) The asbestos abatement contractor shall be responsible for providing personal protective equipment (e.g., respirators, full body covering and head covering) for its employees and shall ensure that it is used, as required.

j) The asbestos abatement contractor shall not commence project activities without ensuring that an asbestos project manager is on site, as required by this Part. ~~The contractor shall be responsible for providing personal protection for its employees according to the OSHA Construction Standard 29 CFR 1926.1101 (effective October 11, 1994).~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 855.460 Removal Procedures

The asbestos abatement contractor shall remove ACBM in accordance with the following procedures:

a) The work area shall be cleaned and isolated in accordance with Sections 855.400, 855.410, 855.420, 855.425, 855.430, 855.440 and 855.450.

b) All ACBM shall be wetted with an amended water solution using equipment capable of providing a fine spray mist ~~in order~~ to reduce airborne fiber concentrations when the material is disturbed. The material shall be saturated to the substrate; however, excessive water shall not be allowed to accumulate in the work area. All removed material shall be kept wet enough to prevent fiber release until containerized for disposal. A high humidity in the contained ~~work~~ area shall be maintained by misting or spraying to assist in fiber settling and to reduce airborne concentrations.

c) Saturated ACBM shall be removed and containerized before moving to a new location for continuance of work. Surrounding areas shall be periodically sprayed and maintained in a wet condition until visible material is cleaned up.

d) Material removed from building structures or components shall not be dropped or thrown to the floor. Material shall be removed as intact sections or components whenever possible and carefully lowered to the floor. If this cannot be done for materials greater than 50 feet above the floor, a chute that ~~which~~ does not allow dust to escape shall be constructed to transport the material to containers on the floor or the materials shall be containerized at elevated levels (e.g., on scaffolds) and carefully lowered to the ground by mechanical means. Materials between 15 and 50 feet above the ground may be containerized at elevated levels or dropped onto inclined chutes for subsequent collection and containerization.

e) Containers (6- ~~six~~ mil polyethylene or equivalent labeled bags or labeled drums) shall be sealed when full. ACBM shall be double bagged when polyethylene bags are used for disposal. Double bagging shall occur in the contained ~~work~~ area. Bags shall not be overfilled. The bags shall be sealed to prevent accidental opening and leakage by tying the tops in an overhand knot or by taping in gooseneck fashion. Bags shall not be sealed with wire or cord. Bags may be placed in drums for staging and transportation to the landfill. Bags shall be decontaminated on exterior surfaces by wet cleaning before being placed in clean drums and sealed with locking ring tops.

f) Large components shall be wrapped in two layers of 6- ~~six~~ mil polyethylene or equivalent sheeting, secured with tape and labeled ACBM prior to transport to the landfill.

g) Asbestos-containing waste materials with sharp-edged components (e.g., nails, screws, metal lath, tin sheeting, floor tile~~,~~ and metal ceiling components) that ~~which~~ may tear the polyethylene bags or sheeting shall be placed into drums for disposal. In lieu of disposal drums, floor tile may be wrapped in two layers of reinforced plastic or one layer of burlap and two 6-~~six~~ mil labeled polyethylene or equivalent bags.

h) All bagged and sealed asbestos-containing waste shall be labeled with the waste generator, the location at which the waste was generated, Department of Transportation Class 9 placard and the following statement: "Danger - Contains Asbestos Fiber - Avoid Creating Dust - Cancer and Lung Disease Hazard." ~~After completion of stripping of ACBM, surfaces from which asbestos-containing building materials have been removed shall be cleaned (e.g., wet brushed and sponged) to remove all visible residue.~~

i) After completion of stripping of ACBM, surfaces from which ACBM has been removed shall be cleaned (e.g., wet brushed and sponged) to remove all visible residue.

j) All containerized waste shall be removed from the work area and the holding area on a daily basis. Containers and equipment shall be removed from the holding area by workers who have entered from uncontaminated areas wearing proper personal protective equipment. If the equipment decontamination enclosure does not terminate to the exterior of the building, the following procedures shall be

followed:

1) Waste and equipment shall be placed in a cart. The cart shall not be overloaded, which may cause tipping.

2) The loaded cart shall be taken to and unloaded in the enclosed waste storage unit.

3) The route from the equipment decontamination enclosure to the exterior of the building shall be on the unoccupied side of work area separation barriers.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 855.465 Cleanup Procedures

The asbestos abatement contractor shall perform the cleanup in accordance with the following procedures:

a) The negative pressure ventilation units shall remain in continuous operation.

b) Decontamination enclosure systems shall remain in place, remain functional at all times~~,~~ and be used ~~utilized~~.

c) All visible accumulations of ACBM and asbestos-contaminated debris shall be removed and containerized. Tools that ~~which~~ are not electrically conducting and that ~~which~~ have no sharp edges or corners likely to tear containment barriers (e.g., rubber dust pans, rubber squeegees~~,~~ or plastic shovels) shall be used ~~utilized~~.

d) ~~All containerized waste shall be removed from the work area and the holding area on a daily basis.~~ The asbestos abatement contractor may temporarily store ACBM in large metal~~,~~ locked dumpsters or an enclosed truck at the abatement site. At the conclusion of the abatement project, all temporarily stored ACBM shall be removed from the abatement site and be transported to a regulated landfill location approved for disposal of asbestos-containing waste.

e) The contained area shall be thoroughly cleaned in accordance with the following procedures:

1) First cleaning: All visible debris shall be removed and all surfaces in the contained area shall be wet cleaned or HEPA vacuumed. At the conclusion of the first clean, the first layer of plastic sheeting shall be removed from the walls and floors. The sheeting shall be folded inward and bagged for disposal. The asbestos abatement contractor shall wait until all surfaces are dry before proceeding. ~~First cleaning: all surfaces in the contained area shall be wet cleaned using rags, mops and sponges. To pick up excess water and gross wet debris, a wet-dry shop vacuum or HEPA vacuum may be used. If a vacuum is used, it shall be decontaminated prior to removal from the contained area. The contractor shall then wait a minimum of 12 hours before proceeding with clean-up.~~

2) Second cleaning: All visible debris shall be removed and all surfaces in the contained area shall be wet cleaned or HEPA vacuumed. At the conclusion of the second clean, the second layer of plastic sheeting shall be removed from the walls and floors. The sheeting shall be folded inward and bagged for disposal. The asbestos abatement contractor shall wait until all surfaces are dry before proceeding. ~~At the conclusion of the 12 hour waiting period, if no water is visible on surfaces, the cleaned first layer of plastic sheeting shall be removed from the walls and floors. The sheeting shall be folded inward and bagged for disposal.~~

3) Third cleaning: windows, doors, HVAC system vents and all other openings shall remain sealed. All objects and surfaces in the contained area shall be HEPA vacuumed and wet cleaned. The asbestos abatement contractor shall wait until all surfaces are dry before proceeding. ~~Second cleaning: the second layer of plastic sheeting and all objects and surfaces in the contained area shall be HEPA vacuumed and/or wet cleaned. The contractor shall then wait a minimum of 12 hours before proceeding to the next step.~~

4) Once all surfaces in the contained area are dry, the asbestos abatement contractor shall inspect the contained area for visible residue. If any accumulation of visible debris is observed, the debris will be assumed to be asbestos and the cleaning process shall be repeated. ~~If no visible moisture remains on surfaces in the contained area at the conclusion of the 12 hour period, the cleaned second layer of plastic sheeting shall be removed from the walls and floors. The sheeting shall be folded inward and bagged for disposal.~~

~~5)~~ ~~Third cleaning: windows, doors, HVAC system vents and all other openings shall remain sealed. All objects and surfaces in the work area shall be HEPA vacuumed and wet cleaned. The contractor shall wait a minimum of 12 hours drying time before proceeding.~~

~~6)~~ ~~If all surfaces in the contained area are dry at the end of the 12 hour period, the contractor shall inspect the contained area for visible residue. If any accumulation of residue is observed, the residue will be assumed to be asbestos and the process described in step 5 shall be repeated.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 855.470 Clearance Air Monitoring and Analysis

a) Following the completion of Section 855.465~~,~~ cleanup procedures, the asbestos abatement contractor shall notify the project manager that contained areas are ready for clearance air monitoring.

b) The project manager shall conduct a visual inspection of the contained area and ~~.~~ ~~The project manager shall~~ document the findings of the inspection. If the project manager finds the contained area to be clean and free of water or condensation, he or she shall then arrange for the air sampling professional to ~~sample the air in the work area and adjacent areas for airborne fiber concentrations. The air sampling professional shall~~ conduct clearance air monitoring as explained in this Section.

c) The air sampling professional shall not begin clearance air monitoring until all surfaces in the contained area are dry. ~~Sampling shall not begin until at least 12 hours after wet cleaning has been completed. Air sampling may not be conducted unless all surfaces in the contained area are dry.~~

d) The HEPA-filtered negative air pressure equipment shall be in operation in the contained area during clearance air monitoring.

e) The air sampling procedures and analysis shall be conducted in accordance with ~~Asbestos Hazard Emergency Response Act (~~AHERA~~)~~ regulations (40 CFR 763.90) and Section 855.180 ~~170(b)(1)~~ requirements.

f) If an engineering basis exists for dividing a project into smaller areas by the use

of mini-containments, a combined PCM/TEM method can be used for clearance air monitoring. One sample for PCM analysis shall be collected from each mini-containment. If there are five or more mini-containments, TEM samples shall be collected from the five areas having the highest PCM results. If there are fewer than five mini-containments, five TEM samples are still required to be taken as required by AHERA.

g)~~f)~~ Air sampling equipment shall be placed randomly in the work areas, but shall not be placed in corners of rooms or near obstructions.

h)~~g)~~ The following aggressive sampling techniques shall be used during all clearance air monitoring:

1) Before sampling begins, the exhaust from forced air equipment (such as a one-horsepower leaf blower) shall be directed against all walls, ceilings, floors, ledges and other surfaces in the room. This procedure requires at least five minutes per 1,000 sq. ft. of floor.

2) Twenty- ~~20-~~inch fans shall be used for air circulation during the sampling procedure. The fan exhaust shall be directed toward the ceiling. The fans shall be operated on the lowest speed setting. Fans shall be operated in the center of each room where sampling will take place. At least one fan per 10,000 cubic feet of room space shall be used.

i.)~~h)~~ The air sampling professional shall report the clearance air monitoring results in writing to the project manager.

j.) ~~i)~~ If the clearance air monitoring sample ~~sampling~~ results indicate a concentration of airborne asbestos fibers in excess of AHERA clearance criteria ~~(70 structures per millimeter squared)~~, the asbestos abatement contractor shall re-clean the contained area in accordance with Section 855.465. The asbestos abatement contractor shall not be released until the contained area meets AHERA clearance criteria.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 855.475 Disposal Procedures

a) Sealed and labeled containers of asbestos-containing waste material shall be

removed and transported to a prearranged disposal location.

b) All dump receipts, trip tickets, transportation manifests and ~~and/or~~ other documentation of disposal shall be delivered to the building owner for his or her records. ~~A recordkeeping format utilizing a chain-of-custody form shall include the names and addresses of the building owner, contractor, pickup site, disposal site, the estimated quantity of the asbestos waste and the type and number of containers used. The form shall be signed by the building owner, the contractor, and the disposal site operator, as the material changes custody. If a separate hauler is employed, his name, address, telephone number and signature shall also appear on the form.~~

c) The asbestos abatement contractor shall transport all asbestos waste materials in accordance with the following procedures:

1) Drums, bags and wrapped components that have been removed from the work area shall be loaded into an enclosed waste storage unit ~~truck~~ for transportation. Cargo areas shall be locked when unattended. Signs shall be posted on the outside of the enclosed waste storage unit that state: "Danger - Contains Asbestos Fibers – Avoid Creating Dust – Cancer and Lung Disease Hazard."

2) The enclosed cargo area of the waste storage unit ~~truck~~ shall be free of debris and lined with 6-~~six~~ mil polyethylene or equivalent sheeting to prevent contamination from leaking or spilled containers. Floor sheeting shall be installed first and extend up the side walls. Wall sheeting shall overlap by six ~~6~~ inches and be taped into place.

3) Drums shall be placed on level surfaces in the cargo area and packed tightly together to prevent shifting and tipping. Large structural components shall not be placed on top of bags of asbestos-containing materials and shall be secured to prevent shifting. Containers shall not be thrown into the enclosed waste storage unit ~~truck cargo area~~.

4) Personnel loading asbestos-containing waste shall be licensed workers and shall be protected by disposable clothing, including head, body and foot protection and, at a minimum, half-face ~~facepiece,~~ air-purifying~~,~~ dual cartridge respirators equipped with high efficiency HEPA filters.

5) Any debris or residue observed on containers or surfaces outside of the work area resulting from cleanup or disposal activities shall be immediately cleaned up using HEPA filtered vacuum equipment or ~~and/or~~ wet methods.

6) The enclosed waste storage unit ~~Dumpsters or enclosed cargo areas of trucks~~ used for asbestos waste storage or disposal shall be constructed of metal and have metal doors and metal tops that can be closed and locked to prevent vandalism, wind dispersion of asbestos fibers, or other disturbance of bagged asbestos debris. Non-asbestos ~~Unbagged material and nonasbestos~~ waste shall not be placed in these containers. Bags shall be placed, not thrown, into these containers to avoid splitting.

7) Within 10 days of the completion of project and clearance air monitoring, the asbestos-containing waste materials shall be transported directly to an approved landfill. ~~Asbestos-containing waste materials shall be transported directly to the landfill.~~ Temporary storage at a location other than the abatement project shall not be permitted.

~~d) The contractor shall dispose of asbestos materials in accordance with the following procedures:~~

~~1) Upon reaching the landfill, trucks shall approach the dump location as closely as possible for unloading of the asbestos-containing waste.~~

~~2) Bags, drums and components shall be inspected when off-loaded at the disposal site. Material in damaged containers shall be repacked in empty drums or bags.~~

~~3) Waste containers shall be placed on the ground at the disposal site, not pushed or thrown out of trucks (the weight of the wet material could rupture containers).~~

~~4) Personnel off-loading containers at the disposal site shall wear protective equipment consisting of disposable head, body and foot protection and, at a minimum, half-facepiece, air-purifying, dual cartridge respirators equipped with high efficiency HEPA filters.~~

~~5) Following the removal of all containerized waste, the truck cargo area~~

~~shall be decontaminated using HEPA vacuums and/or wet methods. Polyethylene sheeting shall be removed and discarded in bags or drums along with contaminated cleaning materials and protective clothing daily.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 855.480 Glovebag Procedures

Glovebag procedures for repair or removal of pipe insulation shall be conducted using commercially available glovebags of 6-~~six~~ mil clear polyethylene or equivalent, appropriately sized for the project. ~~Glovebag procedures for the repair or removal of pipe insulation shall be conducted in a mini-containment area (including the floor) constructed of one layer of six mil polyethylene in the shape of a triangle or rectangle, or the work area~~The mini-containment shall be prepared according to Subpart E ~~all parts of Section 855.400~~, except that in lieu of two layers of polyethylene being applied to the walls and floors according to Section 855.400(i), the walls and floors of the mini-containment may consist of ~~work area shall be covered with~~ one layer of 6-~~six~~ mil polyethylene. No manometer is required for mini-containments. ~~Negative air pressure may be provided by HEPA vacuum cleaning equipment. The HEPA vacuum exhaust may discharge to the interior or exterior of the building.~~

a) All necessary tools and materials shall be brought into the work area before the glovebag procedure begins.

b) The air sampling professional shall collect the following air samples in each mini-containment ~~contained area~~:

1) One area air sample;~~.~~

2) One area sample at each discharge from the exhaust of negative pressure ventilation equipment; and~~.~~

3) The air sampling professional shall conduct clearance air monitoring in accordance with Section 855.470. ~~After the first cleaning, the contractor shall wait a minimum of 12 hours drying time and no visible water or condensation shall remain. After the second cleaning, the contractor shall wait a minimum of 12 hours drying time and no visible water or condensation shall remain. Final air clearance shall be conducted by the air sampling professional.~~

c) Glovebag procedures shall be conducted ~~done~~ by a minimum of two licensed asbestos workers trained in glovebag procedures and equipped with full personal protective equipment. Full personal protective equipment means that the entire body is covered with disposable clothing, including head, torso, arms, legs and feet. Hands may be left exposed to provide greater mobility. Respirator protection shall be provided and shall consist of a minimum of an air purifying respirator with a HEPA filter.

d) The glovebag shall be used for its intended purpose and without modifications. ~~The outer diameter of pipe insulation to be removed shall not exceed one half of the bag's working length/height above the attached gloves.~~

e) The bag is to be attached securely around the insulation in a manner to prevent air transfer.

f) The integrity of the glovebag seal shall be smoke tested. The contents of a smoke tube shall be injected through the water port access sleeve of the bag. After twist sealing the access sleeve, the bag shall be squeezed gently to check for leakage points, which are then taped airtight.

g) If the pipe insulation adjacent to the section that ~~which~~ will be worked on is damaged, or if the pipe insulation terminates, is jointed, or contains an elbow adjacent to the work section, the adjacent insulation shall be wrapped in two layers of 6-~~six~~ mil polyethylene sheeting and sealed airtight with duct tape.

h) The ACBM within the secured glovebag shall be wetted with amended water prior to removal.

i) After the insulation has been repaired or removed, the unprotected pipe shall be sprayed with amended water and scrubbed with a bristle or nylon brush to remove all visible ACBM. The pipe, the interior of the bag, the insulation, and the tools shall then be sprayed with amended water. The enclosed atmosphere shall be misted, and sufficient time shall be allowed for the mist to settle out before breaking the seal to remove the glovebag.

j) Any exposed pipe insulation ends or repairs created by this procedure shall be:

1) Sealed ~~sealed~~ with encapsulant prior to bag removal;~~,~~ or

2) Thoroughly ~~thoroughly~~ wetted before bag removal and sealed with wettable cloth end caps and spray glue or any combination of these materials immediately following bag removal.

k) The tools shall be pulled through with one or both glove inserts, thus turning the gloves inside out. The gloves ~~glove(s)~~ are then twist sealed, forming a new pouch, taped and severed mid-seal, forming two separate bags.

l) A HEPA vacuum shall be used for evacuation of the glovebag in preparation for removal of the bag from the pipe or duct, for clean-up in the event of a spill, and for post-project clean-up.

m) With the glovebag collapsed and the ACBM in the bottom of the bag, the bag shall be twisted several times and taped to seal that section during bag removal.

n) A 6-~~six~~ mil polyethylene or equivalent in strength bag shall be slipped around the glovebag while it is still attached to the pipe. The glovebag shall be detached from the pipe. After the glovebag has been detached from the pipe, the asbestos abatement contractor shall clean the entire mini-containment.

o) The asbestos-contaminated waste, the clean-up materials, and protective clothing shall be wetted sufficiently, double-bagged minimizing air content, sealed separately, and disposed of in compliance ~~conformance~~ with Section 855.475.

p) The glovebag shall not be used on surfaces that exceed temperatures of 150° F. ~~The contractor or school (for maintenance employees) shall provide, at a minimum, air purifying respirators with HEPA filters in compliance with OSHA regulations 29 CFR 1926.1101(h) and USEPA regulations 40 CFR 763, Subpart IV.~~

q) Glovebags shall be used only once and shall not be moved to another location.

r) The asbestos abatement contractor shall contact the project manager to conduct a visual inspection upon completion of final clean and once all surfaces are dry. The air sampling professional shall conduct clearance air monitoring in accordance with Section 855.470.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 855.490 Response Contractor Indemnification Fund (Repealed)

~~a)~~ ~~Contracts under the Response Action Contractor Indemnification Act shall be submitted to the Department for review along with the following:~~

~~1)~~ ~~A completed Response Contractor Indemnification Worksheet provided by the Department.~~

~~2)~~ ~~A listing of all Department licensed asbestos professionals named in the contract, their disciplines, and the Department I.D. numbers for that discipline.~~

~~b)~~ ~~The local educational agency seeking indemnification under the Response Action Contractor Indemnification Act shall submit an amount equal to 5% of the total value of the contract to the Department before the start of the project. The payment shall be delivered to the Division of Environmental Health, Illinois Department of Public Health, 525 West Jefferson, Springfield, IL 62761 along with the contract to be reviewed. All checks shall be made payable to the Illinois Department of Public Health for deposit into that fund.~~

~~c)~~ ~~Approval by the Department of any contract for inclusion in the indemnification fund does not in any way constitute endorsement of the terms of said contract, either legal or technical, nor does it constitute any guarantee by this Department of the contractor's ability to complete the terms of said contract.~~

(Source: Repealed at 37 Ill. Reg. _____, effective _____)

Section 855.500 Encapsulation and Enclosure Procedures ~~for Schools~~

The asbestos abatement contractor shall encapsulate or enclose the ACBM. ~~in accordance with the following procedures:~~ The work area shall be cleaned and isolated in accordance with Subpart E.

~~a)~~ ~~The work area shall be cleaned and isolated in accordance with Sections 855.400, 855.410, 855.420, 855.425, 855.430, 855.440 and 855.450.~~

~~b)~~ ~~Damaged and missing areas of existing materials shall be repaired with nonasbestos-containing substitutes. The material shall adhere to existing surfaces and provide a base for application of encapsulating agents.~~

~~c)~~ ~~Loose or hanging ACBM shall be removed in accordance with the requirements of Section 855.460.~~

~~d)~~ ~~The contractor shall field test encapsulants prior to use by applying each to a small area to determine suitability for the material to be encapsulated.~~

~~e)~~ ~~Bridging Encapsulants~~

~~1)~~ ~~Bridging encapsulants shall be applied to provide the manufacturer's specified number of inches or minimum dry film thickness over sprayed asbestos surfaces.~~

~~2)~~ ~~When using a bridging encapsulant, a different color for each coat shall be used.~~

~~f)~~ ~~Penetrating Encapsulants~~

~~1)~~ ~~Penetrating encapsulants shall be applied to penetrate existing asbestos materials to the substrate.~~

~~2)~~ ~~During treatment with a penetrating encapsulant, the contractor shall remove selected random core samples of the ACBM in the presence of the building owner or the project manager to check the depth of penetration.~~

~~g)~~ ~~Encapsulants shall be applied using airless spray equipment.~~

~~h)~~ ~~Cleanup shall be performed in accordance with Section 855.465.~~

~~i)~~ ~~Encapsulated ACBM shall be designated (e.g., labels, signs or color codes) in order to warn building maintenance personnel in the event that encapsulated materials must be disturbed.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 855.510 Enclosure Procedures for Schools <u>(Repealed)</u>

~~The contractor shall enclose ACBM in accordance with the following procedures:~~

~~a)~~ ~~The work area shall be cleaned and isolated in accordance with Sections 855.400,~~

~~855.410, 855.420, 855.425, 855.430, 855.440 and 855.450.~~

~~b)~~ ~~Areas that may be disturbed during the installation of hangers or other support/framing materials for the enclosure shall be sprayed with amended water. These areas shall be kept damp to reduce airborne fiber concentrations.~~

~~c)~~ ~~Loose and hanging ACBM shall be removed in accordance with the requirements of Section 855.460.~~

~~d)~~ ~~After installation of hangers, brackets or other enclosure supports and before installation of enclosure, damaged areas of fireproofing/thermal insulation materials shall be repaired using a nonasbestos-containing replacement material. Surfaces shall be prepared and replacement material applied in accordance with manufacturer's recommendations.~~

~~e)~~ ~~Hand tools used to drill, cut into, or otherwise disturb ACBM during the installation of support systems for the enclosures shall be equipped with HEPA filtered local exhaust ventilation.~~

~~f)~~ ~~Enclosure materials shall be impact resistant and provide an airtight barrier once construction is complete (see Section 855.390(i)).~~

~~g)~~ ~~Utilities shall be lowered as necessary and reinstalled in a manner which permits proper utilization and does not disturb the integrity of the enclosures. Utility maintenance shall not require the enclosures to be opened or disturbed.~~

~~h)~~ ~~Cleanup shall be in accordance with Section 855.465.~~

~~i)~~ ~~Enclosed ACBM shall be designated (e.g., sign, label or color code) in order to warn building maintenance personnel in the event that the enclosure must be disturbed.~~

(Source: Repealed at 37 Ill. Reg. _____, effective _____)

Section 855.520 Reestablishment of the Work Area and HVAC Systems ~~in Schools~~

The asbestos abatement contractor shall reestablish the work area in accordance with the following procedure:

a) Reestablishment of the work area shall ~~only~~ occur only following the completion of the cleanup procedures and after clearance air monitoring has been performed, ~~and~~ documented and complies with Section 855.470. ~~to the satisfaction of the school board or building owner.~~

b) The asbestos abatement contractor and project manager or ~~and~~ building owner's representative ~~owner~~ shall visually inspect the work area for any remaining visible residue. Evidence of contamination shall necessitate additional cleaning in accordance with Section 855.465.

c) Additional clearance air monitoring shall be performed in accordance with Section 855.470 if additional cleanup is necessary.

d) Following completion of clearance air monitoring of the work area in accordance with Section 855.470, remaining polyethylene barriers and worker and equipment decontamination enclosure systems shall be removed and disposed of as asbestos-contaminated waste. Following removal, the entire area, including HVAC filter assembly and duct work, shall be wet cleaned or HEPA vacuumed to remove residual asbestos fibers.

~~e) Mounted objects removed from former positions during area preparation activities may be resecured.~~

~~f) Objects that were removed to temporary locations may be relocated to original positions.~~

~~g) New filters shall be installed in HVAC systems, and mechanical and electrical systems shall be reestablished in working order.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART F: FINES, PENALTIES, ADMINISTRATIVE HEARINGS AND EMERGENCY STOP WORK ORDERS

Section 855.600 Adverse Licensure Action

The Department shall provide written notice via certified mail of its decision to deny, suspend or revoke a license. The applicant or licensee shall have 15 days to submit a written request for an administrative hearing to contest the Department's decision. The Department's decision to deny,

suspend or revoke a license shall be based upon one or more of the following reasons:

a) The person has falsified information on the application for licensure.

b) The person has performed duties outside the areas for which he or she is licensed.

c) The person has conducted any asbestos abatement activities in a manner hazardous to the public health in Illinois or in any other state where the person has acted in a similar capacity.

d) The person has violated any provision of the Asbestos Abatement Act or the Commercial and Public Building Asbestos Abatement Act, as applicable, or this Part.

e) The person has violated the registration and licensing standards for Professional Engineers [225 ILCS 325], Structural Engineers [225 ILCS 340], Architects [225 ILCS 305] or Industrial Hygienists [225 ILCS 52], as applicable. The Department may use findings by the Department of Financial and Professional Regulation, Illinois Environmental Protection Agency EPA or adverse civil or criminal findings in a circuit court as a basis for its action.

f) The person has submitted fraudulent or altered documentation or a fraudulent or altered , license, or certificate to the Department, to a building owner or representative or agent of a building owner thereof, or to an asbestos abatement a contractor.

g) The person has performed work requiring licensure at a job site without being in possession of the license and initial and current refresher certificates.

h) The person has permitted the duplication or use of his or her his/her own license or training certificate by another.

i) The person has obtained training from a training provider that which is not accredited by the Department.

j) The person has submitted an application fee that which was returned for insufficient funds.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 855.610 Fines and Penalties

a) In addition to any other action authorized by the Asbestos Abatement Act, the Commercial and Public Building Asbestos Abatement Act, or this Part, the Department may assess fines and penalties against a person for violation of any provision of the Asbestos Abatement Act, the Commercial and Public Building Asbestos Abatement Act, or this Part. The Department shall review each inspection report and stop work order according to criteria provided by this Section to determine whether a fine will be assessed, the amount of any such fine, and whether each day of violation shall constitute a separate violation for purposes of fine assessment.

b) The Department shall consider the following criteria independently and aggregately to determine whether a fine shall be assessed:

1) Whether the Department has issued a stop work order ~~has been issued by the Department~~, and whether the person strictly obeyed the ~~such~~ order ~~was strictly obeyed by the person~~.

2) Whether the person has previously been cited for a violation of the Asbestos Abatement Act, the Commercial and Public Building Asbestos Abatement Act or this Part, except that any previously cited violation shall not be considered if the ~~such~~ violation was held to be unfounded or unapproved by a final order of the Department or by a court of competent jurisdiction, or if any previous citations for violations occurred more than three years prior to the current violation.

3) Whether the violation will ~~is of such nature as to~~ result in the possibility of injury or other harm to the environment, to the person's agents or employees, to the building owner, users, or occupants, or to the general public.

4) Whether the violation appears to be the result of any degree of negligence by the person or by the person's agents or employees.

5) Whether the person demonstrated good faith efforts to correct the violation upon receipt of oral or written notice of the violation and whether the ~~such~~ actions in fact corrected the violation.

6) Whether the person is in possession of any falsified asbestos abatement license or certificate or represents himself or herself ~~themselves~~ as authorized to conduct work without a valid license in a fraudulent manner.

7) Whether the person falsified an inspection or report for ACBM ~~asbestos containing building materials~~.

c) Criteria to determine the amount of a fine and/or penalty for a violation of any provision of the Asbestos Abatement Act, the Commercial and Public Building Asbestos Abatement Act, or of this Part are as follows. All amounts determined pursuant to these criteria shall be added together to determine the total fine against the person.

1) First violation - the person may be issued a fine of up to $1,000.

2) Each day a violation exists shall constitute a separate or repeat violation.

3) Repeat violation - the person shall be issued a minimum fine of $1,000 plus additional fines calculated according to the following criteria:

A) For each stop work order: $1,000 plus $1,500 per work day during which the ~~such~~ order is in effect and during which the condition or conditions ~~condition(s)~~ upon which the order is based remain ~~remains~~ uncorrected.

B) For each violation that ~~which~~ may cause or result in harm or injury to the health or safety of the agents or employees of the person present at the work site (e.g., improper protective equipment or a contaminated clean room): $100 multiplied by the number of ~~such~~ agents or employees present at the work site at any time on the date of the violation.

C) For each violation that ~~which~~ may cause or result in harm or injury to the health or safety of the building owners, users, or occupants of the building (e.g., a tear in a polyethylene barrier between a work area and an occupied area): $100 multiplied by the number of persons present at the work site or in the building at any time on the date of violation.

D) For each violation that ~~which~~ may cause or result in contamination with asbestos fibers of any part of the building other than the work site (e.g., a tear in a polyethylene barrier): $1,000.

4) For a third violation of a provision of the Asbestos Abatement Act, the Commercial and Public Building Asbestos Abatement Act, or this Part, a licensee, in addition to the fines and penalties in subsection (c)(3) of this Section, may have his or her license denied, suspended or revoked.

5) Notwithstanding any other provision of this Part, the Department may at any time, upon a finding of five or more violations during the same inspection that may cause or result in harm or injury to the health and safety of persons, assess a fine and ~~and/or~~ penalty pursuant to subsections (c)(3) and (4) of this Section.

d) The Department shall serve notice of fine and ~~and/or~~ penalty assessments, and provide the same rights and opportunity for hearing, as provided in Section 6(c) of the Asbestos Abatement Act ~~[105 ILCS 105/6(c)]~~, Section 20 of the Commercial and Public Building Asbestos Abatement Act ~~[225 ILCS 207/20]~~, and this Section. If ~~In the event~~ a person fails to request a hearing within the time provided in the notice, the person shall be deemed to have waived the right to an administrative hearing, and the fine and ~~and/or~~ penalty shall be due immediately upon issuance of a final order by the Department in the action.

e) All fine and ~~and/or~~ penalty assessments that ~~which~~ are upheld in whole or in part by final order of the Department shall be due in full at the conclusion of the time period for filing for administrative review pursuant to the Administrative Review Law ~~[735 ILCS 5/Art. III]~~, unless the person has within that time filed proceedings in administrative review specifically appealing the fine or ~~and/or~~ penalty assessment and unless the court has stayed enforcement of the fine or ~~and/or~~ penalty assessment.

(Source: Amended at 37 Ill. Reg._____, effective _____)

Section 855.620 Administrative Hearings

All hearings shall be conducted pursuant to the Commercial and Public Building Asbestos

Abatement Act, the Asbestos Abatement Act, and the Department's ~~Rules of~~ Practice and Procedures in Administrative Hearings~~, 77 Ill. Adm. Code 100~~.

(Source: Amended at 37 Ill. Reg._____, effective _____)

Section 855.630 Emergency Stop Work Orders for Commercial and Public Buildings

a) In circumstances of substantial danger to the environment or to the public health of persons or to the welfare of persons, the Department shall ~~may~~ direct a person ~~an entity~~ to cease and desist asbestos abatement activities, to halt the activity causing or contributing to the danger, or to take ~~such~~ other action as may be necessary. The Department may issue an order sealing the building, or portions of the building, to protect public health.

b) The state's attorney and sheriff of the county in which the CPB is located shall enforce the order after receiving notice. The asbestos abatement contractor or contractors subject to the order will be removed from the list provided for in Section 20 of the Commercial and Public Building Asbestos Abatement Act. Asbestos abatement contractors to whom an emergency stop work order has been issued shall not provide response action services anywhere in the State. The Department will ~~shall~~ authorize the re-instatement ~~reinstatement~~ of the asbestos abatement activities and re-instatement ~~reinstatement~~ of the asbestos abatement contractor to the Department's list of asbestos abatement contractors when the activities that are the subject of the ESWO ~~emergency stop work order~~ have been brought into compliance with the requirements of applicable State and federal requirements and this Part.

c) If 3 square feet or 3 linear feet of friable ACBM has been improperly removed, the building owner shall:

1) Restrict entry into the area and post signs to prevent entry into the area by persons other than those necessary to perform the response action. All persons entering the affected area shall have written authorization from the Department to have access to the restricted area;

2) Shut off or temporarily modify the air handling system to prevent the distribution of fibers to other areas in the building;

3) Inspect the affected area in accordance with Section 855.210 of this Part;

4) Submit a project design for remedying the conditions under which the order was issued; the Department will review the design for acceptance in accordance with this Part; and

5) Submit clearance air monitoring results to the Department for review and acceptance prior to release of the asbestos abatement contractor and occupancy restrictions on the facility or portion of the facility in accordance with this Section.

d) A project designer shall design the response action for any major fiber release episode, and a Department-licensed asbestos abatement contractor shall conduct the response action.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

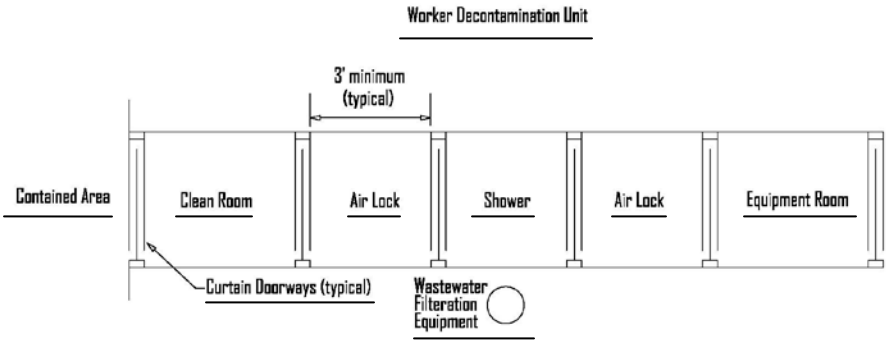
Section 855.640 Emergency Stop Work Orders for Schools

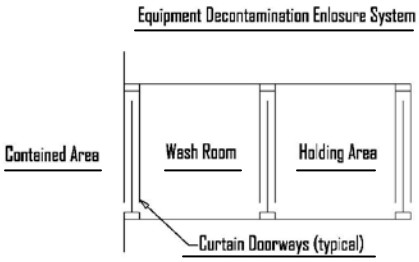
Whenever the Department finds that an emergency exists which requires action to protect the public health, it may, without notice or hearing, issue an order reciting the existence of such an emergency and then require that such action be taken as it may deem necessary to meet the emergency, including but not limited to the issuance of a stop work order and the immediate removal of a contractor or contractors from the list provided for in Section 10 of the Asbestos Abatement Act ~~[105 ILCS 105/10]~~ . *Notwithstanding any other provision in that Act, such order shall be effective immediately. The State's Attorney and sheriff of the county in which the school is located shall enforce the order after receiving notice thereof. Any contractor affected by such an order is entitled, upon request to a hearing as provided in* this Part ~~*rules and regulations promulgated pursuant to the*~~ Asbestos Abatement Act. *When such conditions are abated, in the opinion of the Department, the Department may authorize the reinstitution of the activities and inclusion on the list of contractors of those activities and contractors which were the subject of a stop work order.* (Section 12a of the Asbestos Abatement Act) All response action remedies shall be in accordance with Section 855.630(c) and (d) of this Part.

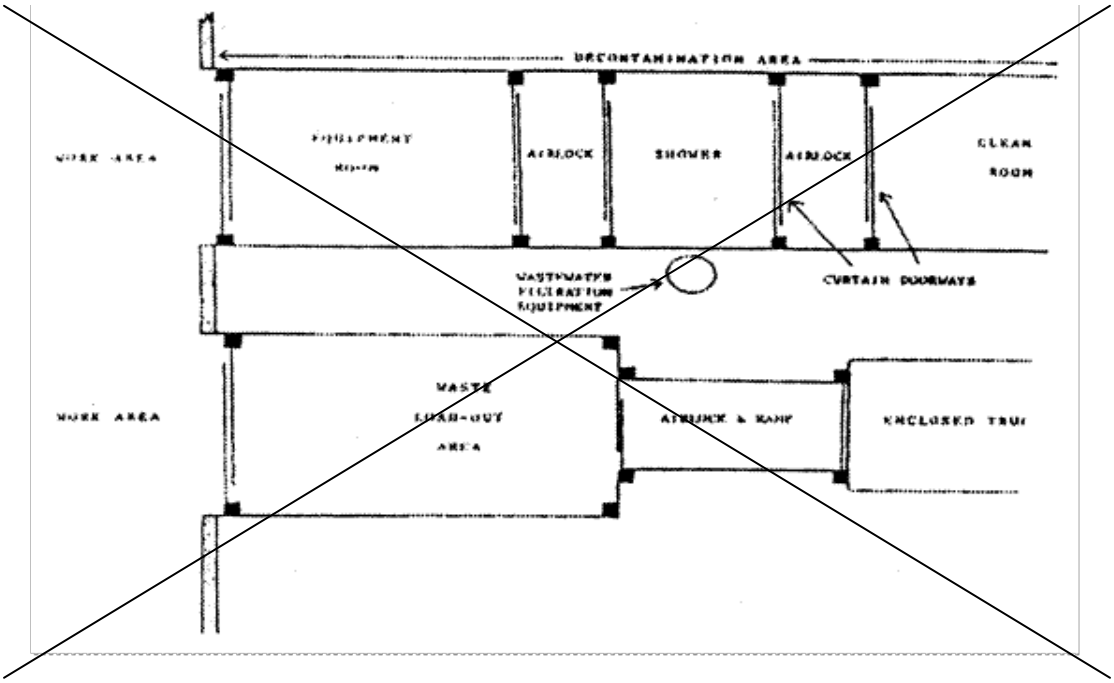
(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 855.APPENDIX A Illustrations–Decontamination Unit Drawings ~~Illustration Project Form~~

Section 855.ILLUSTRATION A Worker and Equipment Decontamination Systems


Worker Decontamination Unit
3' minimum
(typical)
Contained Area
Clean Room
Air Lock
Shower
Air Lock
Equipment Room
Curtain Doorways (typical)
Wastewater
Filteration
Equipment


Equipment Decontamination Enlosure System
Contained Area
Wash Room
Holding Area
Curtain Doorways (typical)



(Source: Amended at 37 Ill. Reg._____, effective _____)

Section 855.APPENDIX B Illustrations – Inspection and Management Plan Forms

Section 855.ILLUSTRATION H Protocol for Asbestos Management Plan

a) The name and address of each school building and whether the school building contains friable ACBM, and friable and nonfriable suspected ACBM assumed to be ACBM.

b) For each inspection conducted:

1) The date of the inspection.

2) A blueprint, diagram, or written description of each school building that identified clearly each location and approximate square or linear feet of any homogeneous or sampling area where material was sampled for

ACBM, and, if possible, the exact locations where each bulk sample was collected, date ~~data~~ of collection, homogeneous areas where nonfriable suspected ACBM is assumed to be ACBM.

3) A copy of the analyses of any bulk samples, dates of analyses, and a copy of any other laboratory reports pertaining to the analyses.

4) A description of any response actions or preventive measures taken to reduce asbestos exposure, including the names, addresses and IDPH-license identification ~~I.D.~~ numbers of all contractors involved, start and completion dates of the work, and results of any air samples analyzed during and upon completion of the work.

5) A description of assessment, required to be made under 40 CFR 763.88, of material that was identified as friable ACBM or friable suspected ACBM assumed to be ACBM, and the name, IDPH-license identification ~~I.D.~~ number, signature and copies of accreditation certificates of the licensed inspector.

c) For each inspection and reinspection conducted under 40 CFR 763.85:

1) The date of the inspection or reinspection and the name, IDPH-license identification ~~I.D.~~ number and signature of each licensed inspector performing the inspection or reinspection.

2) A blueprint, diagram, or written description of each school building that identifies clearly each location and approximate square or linear feet of homogeneous areas where materials were sampled for ACBM, the exact location where each bulk sample was collected, date of collection, homogeneous areas where friable suspected ACBM is assumed to be ACBM, and where nonfriable suspected ACBM is assumed to be ACBM.

3) A description of the manner used to determine sampling locations, and the name, IDPH-license number and signature of each inspector collecting samples.

4) A copy of the analyses of any bulk samples collected and analyzed, the name and address of any laboratory that analyzed bulk samples, a statement that the laboratory meets the applicable requirements of 40 CFR

763.87(a), the date ~~data~~ of analysis, and the name and signature of the person performing the analysis.

5) A description of assessments, required to be made under 40 CFR 763.88, of all ACBM and suspected ACBM assumed to be ACBM, and the name, IDPH-license identification ~~I.D.~~ number, signature and accreditation certificates of the licensed inspector.

6) The name, address, and telephone number of the person designated under 40 CFR 763.84 to ensure that the duties of the local education agency are carried out, and the course name, and dates and hours of training completed by that person to carry out the duties.

7) The recommendations made to the local agency regarding response actions, under 40 CFR 763.88(d), the name, IDPH-license identification ~~I.D.~~ number and signature of each person making the recommendations.

8) A detailed description of preventive measures and response actions to be taken, including methods to be used, for any friable ACBM, the locations where such measures and action will be taken, reasons for selecting the response action or preventive measure and response action.

9) With respect to the person or persons who inspected for ACBM and who will design or carry out response actions, except for operations and maintenance, the person(s) shall be licensed in accordance with Section 855.100 of this Part.

10) A detailed description in the form of a blueprint, diagram, or in writing of any ACBM or suspected ACBM assumed to be ACBM which remains in the school once response actions are undertaken pursuant to 40 CFR 763.90. This description shall be updated as response actions are completed.

11) A plan for reinspection under 40 CFR 763.85, a plan for operations and maintenance activities under 40 CFR 763.91, and a plan for periodic surveillance under 40 CFR 763.92, a description of the recommendation made by the IDPH-licensed management planner regarding additional cleaning under 40 CFR 763.91(c)(2) as part of an operations and maintenance program, and the response of the local education agency to

that recommendation.

12) A description of steps taken to inform workers and building occupants, or their legal guardians, about inspections, reinspections, response actions, and post-response action activities, including periodic reinspection and surveillance activities that are planned or in progress.

13) An evaluation of the resources needed to complete response actions successfully and carry out reinspection, operations and maintenance activities, periodic surveillance and training.

14) With respect to each consultant who contributed to the management plan, the name, IDPH-license identification ~~I.D.~~ number, and signature of the consultant.

15) A local education agency may require each management plan to contain a statement signed by a Department licensed-management planner that such person has prepared or assisted in the preparation of such plan or has reviewed such plan, and that such plan is in compliance with Section 855.325 of this Part. Such statement may not be signed by a person who, in addition to preparing or assisting in preparing the management plan, also implements (or will implement) the management plan.

(Source: Amended at 37 Ill. Reg._____, effective _____)

Section 855.APPENDIX B Illustrations – Inspection and Management Plan Forms

Section 855.ILLUSTRATION J Local Education Agency Assurances Form)
LOCAL EDUCATION AGENCY (LEA) ASSURANCES

Pursuant to Section 763.84 and Section 763.93 of the EPA Asbestos in Schools Regulation (40 CFR Part 763), each management plan must contain a true and correct statement, signed by the LEA designated person, that certifies that the general LEA responsibilities have been met. This form is provided to assist you in complying with this portion of AHERA.

LEA Name _____

LEA Address _____

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Designated Person Name_____

Designated Person Address_____

ASSURANCES

This AHERA management plan was developed and has been submitted pursuant to the Asbestos Hazard Emergency Response Act of 1986, Public Law 99-519; and the United States Environmental Protection Agency Rule: Asbestos Containing Materials in Schools, 40 CFR Part 763; and the undersigned does hereby certify that the LEA has and will ensure the following:

1. The activities of any persons who perform inspections, reinspections, and periodic surveillance, develop and update management plans, and develop and implement response actions, including operations and maintenance, are carried out in accordance with Part 763.

2. All custodial and maintenance employees are properly trained as required in Part 763 and all other applicable Federal and/or State regulations (e.g., the Occupational Safety and Health Administration Asbestos Standard for Construction, the EPA Worker Protection Rule, or applicable State regulations).

3. All workers and building occupants, or their legal guardians, are informed at least once each school year about inspections, response actions, post-response action activities, including periodic reinspection and surveillance activities, that are planned or in progress.

4. All short-term workers (e.g., telephone repair workers, utility workers, or exterminators) who may come in contact with asbestos in a school are provided information regarding the locations of ACBM and suspected ACBM assumed to be ACM.

5. All warning labels are posted in accordance with Section 763.95.

6. All management plans are available for inspection and notification of such availability has been provided as specified in the management plan under Section 763.93(g).

7. All management plans contain a LEA assurances page, signed by the individual designated by the LEA, which certifies that the LEA responsibilities have been met or will be met. A copy of the LEA assurances page shall be submitted to the Department.
8. All three year reinspections are conducted in accordance with this Part and Section

855.260(m).

9. All three year school reinspection information forms provided by the Department are submitted to the Department within 30 days from the reinspection.

10. The Department is notified of any designated person change within 30 days of the change.

11. The undersigned person designated by the LEA pursuant to Section 763.84(g)(1) has received adequate training as stipulated in Section 763.84(g)(2).

12. The LEA has and will consider whether any conflict of interest may arise from the interrelationship among accredited personnel and whether that should influence the selection of accredited personnel to perform activities under Part 763.

Signed_____
Date:_____
LEA Designated Person, Pursuant to
40 CFR 763.93(i) and 763.84

(Source: Added at 37 Ill. Reg. _____, effective _____)

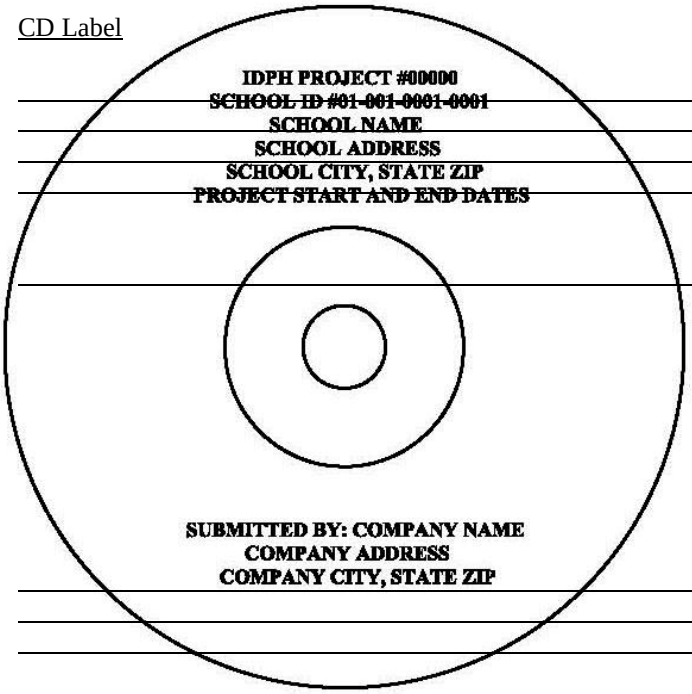
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 855.APPENDIX C Illustration – Project Manager's Comprehensive Final Report Electronic Format

Section 855.ILLUSTRATION A CD Label, CD Case Cover and Bookmarks

CD Label



Bookmarks

A. PM Report Form
B. Notification
C. Clearance
D. Worker Information
E. Contractor

F. Professional
G. Air Sampling Professional
H. Negative Pressure Log
I. Variances
J. Air Monitoring
K. Drawings
L. Project Narrative
M. Project Manager Daily Log
N(1). Waste Disposal Arrangements
N(2). Drawings
N(3). Rental Equipment Notification
N(4). Material Testing
N(5). Supervisor Logs
N(6). Waste Manifests
N(7). Sign-in Sheets
N(8). Filter Change Logs
O. Pre-cleaning

CD CASE COVER

IDPH PROJECT #00000
SCHOOL ID #01-001-0001-0001
SCHOOL NAME
SCHOOL CITY, STATE ZIP
PROJECT START & END DATES

SUBMITTED BY: COMPANY NAME
COMPANY ADDRESS
COMPANY CITY, STATE ZIP

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

(Source: Added at 37 Ill. Reg. _____, effective _____)