

H.B. 189

ASBESTOS REQUIREMENTS

Representative **Larry B. Wiley** proposes the following amendments:

1. *Page 2, Lines 33 through 56:*

- 33 (1) The board may make rules in accordance with Title 63G, Chapter 3, Utah
34 Administrative Rulemaking Act:
- 35 (a) regarding the control, abatement, and prevention of air pollution from all sources
36 and the establishment of the maximum quantity of air contaminants that may be emitted by any
37 air contaminant source;
- 38 (b) establishing air quality standards;
- 39 (c) requiring persons engaged in operations which result in air pollution to:
- 40 (i) install, maintain, and use emission monitoring devices, as the board finds necessary;
- 41 (ii) file periodic reports containing information relating to the rate, period of emission,
42 and composition of the air contaminant; and
- 43 (iii) provide access to records relating to emissions which cause or contribute to air
44 pollution;
- 45 (d) ~~(i) implementing [15 U.S.C.A. 2601 et seq. Toxic Substances Control Act,~~
46 ~~Subchapter II - Asbestos Hazard Emergency Response, and reviewing and approving];~~
- 47 (A) Toxic Substances Control Act, Subchapter II, Asbestos Hazard Emergency
48 Response, 15 U.S.C. 2601 et seq.;
- 49 (B) 40 C.F.R. Part 763, Asbestos; and
- 50 (C) 40 C.F.R. Part 61, National Emission Standards for Hazardous Air Pollutants,
51 Subpart M, National Emission Standard for Asbestos; and
- 52 (ii) ~~{governing}~~ **reviewing and approving** asbestos management plans submitted by local
53 education agencies under
54 [~~that act~~] the Toxic Substances Control Act, Subchapter II, Asbestos Hazard Emergency
55 Response, 15 U.S.C. 2601 et seq.;
- 56 (e) establishing a requirement for a diesel emission opacity inspection and maintenance
program for diesel-powered motor vehicles;

2. *Page 5, Lines 130 through 145:*

- 130 (q) meet the requirements of federal air pollution laws;
- 131 (r) **by rule,** establish work practice, certification, and clearance air sampling requirements for
132 persons who:
- 133 (i) contract for hire to conduct demolition, renovation, salvage, encapsulation work

134 involving friable asbestos-containing materials, or asbestos inspections[?] if:
135 (A) the contract work is done on a site other than a residential property with four or
136 fewer units; or
137 (B) the contract work is done on a residential property with four or fewer units where a
138 tested sample contained greater than 1% of asbestos;
139 (ii) conduct work described in Subsection (3)(r)(i) in areas to which the general public
140 has unrestrained access or in school buildings that are subject to the federal Asbestos Hazard
141 Emergency Response Act of 1986;
142 (iii) conduct asbestos inspections in facilities subject to 15 U.S.C.A. 2601 et seq.,
143 Toxic Substances Control Act, Subchapter II - Asbestos Hazard Emergency Response; or
144 (iv) conduct lead paint inspections in facilities subject to 15 U.S.C.A. 2601 et seq.,
145 Toxic Substances Control Act, Subchapter IV -- Lead Exposure Reduction;

3. *Page 6, Line 171 through Page 7, Line 183:*

171 (6) (a) The board may not require testing for asbestos or related materials on a
172 residential property with four or fewer units[-], unless:
173 (i) the property's construction was completed before January 1, 1981; or
174 (ii) the testing is for:
175 (A) a sprayed acoustical ceiling;
176 (B) transite siding;
177 (C) {~~vinyl-asbestos~~} vinyl floor tile;
178 (D) thermal-system insulation or tape on a duct or furnace; or
179 (E) vermiculite {~~insulated-type~~} type insulation materials.
180 (b) A residential property with four or fewer units is subject to an abatement rule made
181 under Subsection (1) or (3)(r) if:
182 (i) a sample from the property is tested for asbestos; and
183 (ii) the sample contains asbestos measuring greater than 1%.