



ADMINISTRATIVE RULES OF MONTANA

17.74.357 STANDARDS AND METHODS FOR CLEARING ASBESTOS PROJECTS AND REQUIREMENTS FOR PERSONS CLEARING ASBESTOS PROJECTS

- (1) At the conclusion of any asbestos project conducted in a facility, the owner or operator shall ensure that final visual inspection and air clearance sampling are conducted in all asbestos project work areas prior to expiration of the asbestos project permit.
- (2) The concentration of asbestos fibers in air clearance samples collected pursuant to (1) must be:
 - (a) less than or equal to 0.01 fibers per cubic centimeter of air for each sample collected within the work area, when analyzed by Phase Contrast Microscopy (PCM) using the NIOSH 7400 or NIOSH 7402 method; or
 - (b) less than or equal to 70 structures per square millimeter for each sample collected within the work area, when analyzed by Transmission Electron microscopy (TEM) using EPA's interim TEM analytical methods provided in 40 CFR 763, subpart E, appendix A.
- (3) Final visual inspection and clearance sampling and analysis must be conducted as follows:
 - (a) a person performing a final visual inspection and final air clearance sampling shall:
 - (i) observe the entire asbestos project area to verify that the asbestos project contractor has removed all visible asbestos-containing waste, dust, and debris from the work area;
 - (ii) require any necessary recleaning by the asbestos project contractor and conduct subsequent visual inspections that verify that the asbestos project contractor has removed all ACM identified in the asbestos project permit and related asbestos-containing waste, dust, and debris from the work area; and
 - (iii) complete a signed, written affidavit verifying that the asbestos project contractor has removed all ACM identified in the asbestos project permit and related asbestos-containing waste, dust, and debris;
 - (b) a person collecting final air clearance samples shall:
 - (i) ensure final clearance air sampling and testing are not performed until after the final visual inspection has been completed in accordance with this rule;
 - (ii) once the work area has passed the final visual inspection, sweep an air stream from a high-speed blower or equivalent air-blowing device across all surfaces in the work area for a time adequate to disturb air in all areas of the work area prior to beginning final air clearance sampling;

(iii) ensure the air is continually agitated in all potentially occupied areas, utilizing at least one 20-inch box fan or its cubic feet per minute equivalent per 10,000 cubic feet of work area, in a manner that creates maximum air disturbance. Agitating the air in the work area prior to final air clearance sampling is not required for unoccupied areas such as crawl spaces; and

(iv) immediately after agitating the air in the work area, begin collecting at least five final clearance air samples in the work area;

(c) the asbestos project may not be approved for general re-occupancy until after the final visual inspection and after the results of all required air clearance samples demonstrate that asbestos concentrations do not exceed the applicable concentration specified in (2);

(d) persons conducting a final visual inspection and final air clearance sampling and testing shall record and include in a final written report:

(i) the names of the asbestos contractor/supervisor supervising the permitted activity and the person or persons conducting final visual inspection and final air clearance sampling;

(ii) the name and address of the facility site and location of the asbestos project;

(iii) the number of the asbestos project permit issued by the department;

(iv) the date of final visual inspection and final air clearance sampling;

(v) whether the work area was agitated;

(vi) the number of samples collected, identified in sufficient detail to allow another individual to perform duplicate sampling;

(vii) the laboratory analytical method used;

(viii) the pump flow rate (pre, post, and average), run time, total volume of air, calculations for PCM or for TEM, and laboratory analytical report; and

(ix) a statement of whether final visual inspection and final air clearance sampling has documented the completion of the asbestos project;

(e) the final visual inspection and air clearance sampling report must include the signatures of the project contractor/supervisor and final air clearance sampling person attesting to the completion of the asbestos project; and

(f) the results of the final visual inspection and final air clearance sampling and testing must be maintained by the owner or operator and by the person who performed the sampling and must be made available to the department upon request.

(4) For asbestos projects with final air clearance sampling, the person conducting final air clearance sampling shall:

- (a) collect air samples, representative of the entire work area, in accordance with the NIOSH 7400 method for PCM samples or NIOSH 7402 for TEM samples;
 - (b) ensure that the flow rate for each air sampling pump is calibrated at the beginning and end of the sampling period; and
 - (c) ensure air sampling cassettes are placed four to six feet above the floor at a 45 degree angle down. Each cassette must be subject to normal air circulation, avoiding room corners, walls, ceilings, obstructed locations, and sites near windows, doors, or vents.
- (5) An asbestos project is considered approved for general re-occupancy when the final visual inspection documents no residual visible ACM, dust, or debris is present, and the results of clearance air sampling meet the requirements of (2).
- (6) PCM samples required under this rule shall be analyzed by a laboratory certified in the NIOSH 582 or 582e and that maintains a "proficient" rating in the American Industrial Hygiene Association (AIHA) proficiency analytical testing (PAT) program. PAT results must be submitted to the department upon request. The department must approve alternate proficiency programs prior to the analysis of PCM samples.
- (7) TEM sample analyses required by this rule must be conducted by a laboratory accredited by the National Voluntary Laboratory Accreditation Program or a laboratory accredited by an equivalent accreditation program that is accepted in advance by the department in writing.
- (8) Alternate work practices for clearing asbestos projects may be used if approved in writing by the department in advance. Requests to employ alternate work practices must be submitted to the department in accordance with ARM 17.74.353(1)(e).
- (9) A person performing a final visual inspection and final air clearance sampling:
- (a) must be accredited by the department as an asbestos contractor/supervisor; and
 - (b) may not be contractually associated with the asbestos project contractor, and there may not be any common ownership or employment relationship between the person or entity carrying out the asbestos project and the person or entity conducting the final clearance or sampling and analysis operations.

Authorizing statute(s): 75-2-503, MCA

Implementing statute(s): 75-2-503, MCA

History: NEW, 2006 MAR p. 1574, Eff. 6/23/06; AMD, 2006 MAR p. 2962, Eff. 12/8/06; AMD, 2011 MAR p. 2264, Eff. 10/28/11; AMD, 2024 MAR p. 723, Eff. 4/13/24.