



ADMINISTRATIVE RULES OF MONTANA

17.74.354 INSPECTION REQUIREMENTS FOR DEMOLITION AND RENOVATION ACTIVITIES

- (1) Prior to any demolition or renovation of a facility, the owner or operator shall ensure the facility or part of the facility where demolition or renovation activity will occur is thoroughly inspected by a department-accredited asbestos inspector in accordance with this subchapter.
- (2) The owner or operator shall ensure that a copy of the inspection report is kept on site during the asbestos project. The owner or operator shall ensure that the report is kept on site during subsequent renovations or demolition. The inspection report must be made available to the department upon request.
- (3) A supplemental amendment or full reinspection is required prior to demolition or renovation activity under the following conditions:
 - (a) the initial inspection date is greater than three years prior to the initiation of an asbestos project;
 - (b) the scope of work at the inspected site has changed; or
 - (c) the inspection requirements under this rule have changed since the inspection report date.
- (4) A department-accredited asbestos inspector conducting an inspection in accordance with this subchapter shall:
 - (a) visually inspect the areas that may be affected to identify the locations and estimated quantities of all suspect ACM;
 - (b) touch all suspect ACM to determine whether it is friable;
 - (c) collect bulk samples from each surfacing material that is not assumed to be ACM in a statistically random manner that is representative of the surfacing material. Samples must be collected as follows:
 - (i) at least three bulk samples must be collected from each surfacing material area that is 1,000 ft² or less;
 - (ii) at least five bulk samples must be collected from each surfacing material area that is greater than 1,000 ft², but less than or equal to 5,000 ft²; and
 - (iii) at least seven bulk samples must be collected from each surfacing material area that is greater than 5,000 ft²;
 - (d) collect samples from thermal system insulation as follows:

- (i) at least one bulk sample from each area of patched thermal system insulation that is less than six linear or square feet and is not assumed to be ACM;
 - (ii) at least three random bulk samples from each type of thermal system insulation that is greater than six linear or square feet and is not assumed to be ACM;
 - (e) randomly collect at least three bulk samples from each type of miscellaneous material that is not assumed to be ACM.
- (5) For inspections conducted under this rule, the inspector shall ensure that:
- (a) bulk samples are analyzed by persons or laboratories with proficiency demonstrated by current successful participation in a nationally recognized testing program such as the National Institute of Standards and Technology (NIST), National Voluntary Laboratory Accreditation Program (NVLAP), the American Industrial Hygiene Association (AIHA), or an equivalent testing program accepted in writing by the department prior to analysis;
 - (b) bulk samples are not composited for analysis or during reporting, but are analyzed for asbestos content by polarized light microscopy (PLM) using the "Method for the Determination of Asbestos in Bulk Building Materials" (EPA/600/R-93/116) or another method acceptable to the department; and
 - (c) the sample analytical report includes:
 - (i) results of the analysis;
 - (ii) method of analysis;
 - (iii) name and address of each laboratory performing an analysis;
 - (iv) the laboratory's accreditation number;
 - (v) the date of analysis; and
 - (vi) the name and signature of the person performing the analysis.
- (6) For the purposes of an inspection conducted under this rule:
- (a) all materials with the exception of glass, untreated wood, and metal are considered suspect ACM;
 - (b) a material is ACM if the analytical results of at least one sample collected from that material show that asbestos is present in an amount greater than one percent; and
 - (c) a material is considered not to be ACM only if the analytical results for all samples collected from the material show that asbestos is not present in an amount greater than one percent.
- (7) For inspections conducted under this rule, the asbestos inspector shall report the findings in a written inspection report to the owner or operator. The asbestos inspection report must include:
- (a) the site of the asbestos inspection;
 - (b) the scope and purpose of the inspection and how it corresponds to the extent of the planned renovation or demolition activity;
 - (c) the date of the asbestos inspection and final report;
 - (d) the signature of the accredited inspector conducting the asbestos inspection;

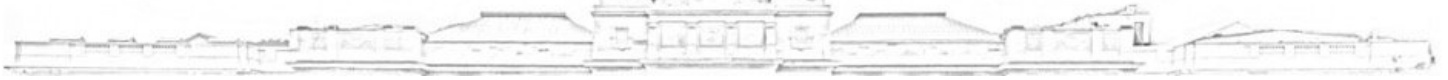
- (e) the inspector's accreditation number and expiration date;
 - (f) an inventory of all assumed asbestos-containing and sampled materials;
 - (g) all sample locations identified in sufficient detail to allow another individual to duplicate sampling;
 - (h) where ACM is located by type;
 - (i) the areas where friable material is assumed to be ACM, and areas where non-friable material is assumed to be ACM;
 - (j) a copy of the sample analytical report and the completed and signed chain of custody form;
 - (k) information on whether it will be necessary to remove any ACM before any activity begins that would break up, dislodge, or similarly disturb the material; and
 - (l) a single page within the report containing items (a) through (e) and an indication of the presence of any regulated ACM, with a duplicate of that page included within the report.
- (8) If the inspection required in (1) was not conducted or was improperly conducted prior to commencement of renovation or demolition activities, an inspection must be conducted in accordance with this rule as soon as possible upon discovery of the missing or improper inspection, and before any additional renovation or demolition activities occur, with the addition of the following:
- (a) dust samples must be collected to identify the presence and the extent of contamination at the time bulk samples are collected. If the results of bulk sample testing are positive for ACM, or if any suspect material known to have been at the site is unavailable for analysis, dust samples must be analyzed using current industry standards;
 - (b) air sampling may not be used by the department-accredited asbestos inspector as the sole means of evaluating whether asbestos is present; and
 - (c) the department-accredited asbestos inspector shall summarize sampling and analytical procedures and evaluation findings in a written report. A recommendation on whether a new or continued asbestos project is necessary based on the evaluation must be included in the written report. The report must be submitted to the department for review and approval before any further renovation or demolition work occurs. For emergency renovation operations, cleanup may commence upon submission of the report to the department.
- (9) The department may conduct its own asbestos inspection if it deems an inspection conducted under (8) is deficient.
- (10) An inspection conducted under (8) does not excuse any failure to complete the inspection required in (1).

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

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



ADMINISTRATIVE RULES OF MONTANA



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