

## Air Quality Division Asbestos Enforcement Matrix

<i>Level 1 Violations</i>		
<b>Emissions and Work Practice</b>	<b>Testing and Monitoring</b>	<b>Notice and Recordkeeping</b>
<ul style="list-style-type: none"> <li>○ Failure to follow NESHAP<sup>1</sup> procedures required to control emissions, to include the following:               <ol style="list-style-type: none"> <li>1. <b>Removal of all RACM</b> from a facility being demolished or renovated before any activity begins that would disturb the material.</li> <li>2. <b>Maintaining “adequately wet”</b> all RACM that is being removed or disturbed.</li> <li>3. <b>Prevention of “visible emissions”</b> to the outside air while RACM is being disturbed (including asbestos-contaminated debris from a demolition where RACM was not removed due to safety reasons).</li> </ol> </li> <li>○ <b>Failure to have on site</b>, during the handling or disturbance of RACM at a facility regulated by the NESHAP, at least one <b>person</b> who has been <b>trained</b> in the <b>NESHAP</b> within the previous two years.</li> <li>○ <b>Failure to properly mark vehicles</b> used to transport asbestos-containing waste material, so that the signs are visible <b>during the loading and unloading of waste</b>.</li> <li>○ <b>Failure to properly dispose of all asbestos-containing waste material</b> at a waste disposal site permitted by DEQ to accept RACM.</li> </ul>		<ul style="list-style-type: none"> <li>○ <b>Failure to submit NESHAP Notification</b> of Demolition or Renovation.</li> <li>○ <b>Submittal of a late Notification</b> of Demolition or Renovation (&lt;10 working days prior to commencement of either operation).</li> <li>○ <b>Submittal of an incomplete or unsigned Notification</b> of Demolition or Renovation.</li> <li>○ <b>Failure to furnish</b>, upon request, and make available for inspection all <b>records</b> required by the NESHAP.</li> <li>○ <b>Failure to comply with written requests</b> or policies deemed necessary by the agency to ascertain compliance with applicable asbestos regulations within the AQD’s jurisdiction.</li> </ul>

<sup>1</sup> NESHAP = 40 C.F.R. Part 61 Subpart M

## Air Quality Division Asbestos Enforcement Matrix

<i>Level 2 Violations</i>		
<b>Emissions and Work Practice</b>	<b>Testing and Monitoring</b>	<b>Notice and Recordkeeping</b>
<ul style="list-style-type: none"> <li>○ <b>Failure to prevent</b> friable asbestos materials, used on pipes or other outdoor structures <b>from becoming weathered or deteriorated</b>, and becoming exposed to, or dispersed in the outside air according to OAC 252:100-41-16</li> <li>○ <b>Failure to handle, store, or transport</b> friable asbestos according to OAC 252:100-41-16.</li> </ul>	<ul style="list-style-type: none"> <li>○ <b>Failure to thoroughly inspect for the presence of asbestos prior to commencement of a demolition or renovation.</b></li> </ul>	<ul style="list-style-type: none"> <li>○ <b>Failure to notify DEQ of change in project start or completion date or any change of 20% or more in the amount of RACM to be disturbed.</b></li> <li>○ <b>Failure to maintain waste shipment records for two years after asbestos-containing waste material is transported off-site.</b></li> </ul>
<p><b><i>Level 2 violations of the Asbestos NESHAP may be handled as lower level violations at the Division’s discretion. The inspector should use the following criteria to document whether a change in level is justified:</i></b></p> <ol style="list-style-type: none"> <li><i>1. First-offense (and anticipated single-offense) violators;</i></li> <li><i>2. Likelihood of impact on public health and the environment;</i></li> <li><i>3. Willingness to comply.</i></li> </ol>		

This matrix covers violations of the Asbestos NESHAP (40 C.F.R. Part 61 Subpart M) and OAC 252:100-41-16.

## Air Quality Division Asbestos Enforcement Matrix

<i>Level 3 Violations</i>		
<b>Emissions and Work Practice</b>	<b>Testing and Monitoring</b>	<b>Notice and Recordkeeping</b>
	<ul style="list-style-type: none"> <li>○ Testing and monitoring violations that are not considered Level 1 or Level 2.</li> </ul>	<ul style="list-style-type: none"> <li>○ Reporting errors that do not mask underlying violations</li> <li>○ Late submittal of NESHAP report that is not considered Level 1 or Level 2</li> </ul>
<p><i>Level 3 violations may be addressed at the inspector level (examples- documented telephone conversation, mail a copy of the inspection report with a cover letter informing the company that a problem was discovered, warning letter)</i></p> <p><i>If a history of Level 3 violations becomes apparent for a company or facility or if Level 3 violations are not addressed, they will become Level 2 or Level 1 violations.</i></p>		

This matrix covers violations of the Asbestos NESHAP (40 C.F.R. Part 61 Subpart M) and OAC 252:100-41-16.