

CR 85-166

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) ss

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. A-36-85 was duly approved and adopted by this Department on March 27, 1986. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at General Executive Facility #2 in the City of Madison, this 30th day of May, 1986.

Bruce B. Braun
Bruce B. Braun, Deputy Secretary

(SEAL)

RECEIVED

JUN 5 1986

4.05 pm
Revisor of Statutes
Bureau

85-166

ORDER OF THE STATE OF WISCONSIN
NATURAL RESOURCES BOARD
REPEALING, RENUMBERING, AMENDING
AND CREATING RULES

.....
IN THE MATTER OF repealing section . A-36-85
NR 154.19(4)(d) to (1); renumbering and .
amending section NR 154.19(a), (b) and .
(c) and creating section NR 447.06, .
447.07 447.08, 447.09, 447.10, 447.11, .
447.12, 447.13, 447.14, 447.15, 447.16 .
and 447.17 of the Wisconsin Administra- .
tive Code pertaining to the modification .
of emission standards for certain .
sources of hazardous air pollutants .
(asbestos). .
.....

Analysis Prepared by Department of Natural Resources

Under section 112 of the federal Clean Air Act, the Administrator of U.S. Environmental Protection Agency is required to adopt regulations establishing federal emission standards for hazardous air pollutants (NESHAPS). Under section 112(d)(1) of the federal Clean Air Act, states may develop and submit to U.S. EPA procedures for implementing and enforcing the NESHAPS. If U.S. EPA funds the state's procedures to be adequate, it may delegate to the state the authority to implement and enforce the standards.

Section 144.375(5)(a), Wisconsin Statutes, states if a NESHAPS is promulgated, the department shall promulgate by rule a similar standard, which may not be more restrictive in terms of emission limits than the federal standard. In January, 1984, the department promulgated rules (ss. NR 154.19(3), (4), (5) and (6), Wis. Adm. Code) which adopted the NESHAPS that had been promulgated by U.S. EPA. Since that time U.S. EPA has adopted changes to the NESHAPS for asbestos. The rules contained in this order incorporates the current federal asbestos NESHAPS into the state administrative code. In accordance with section 227.024(lm), Wis. Stats., the format of these rules is based on the format used in 40 CFR Part 61, Subpart M - the federal NESHAPS - on which the state's rule for asbestos NESHAPS is based.

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 144.31(1)(a), (e) and (f), 144.375(5)(a), 227.014(2)(a) and 227.024(lm), Stats., the State of Wisconsin Natural Resources Board hereby, repeals, renumbers, amends and creates rules implementing and interpreting ss. 144.31(1)(f) and 144.375(5)(a), Stats., and revising the State Implementation Plan (SIP) developed under s. 144.31(1)(f), Stats., as follows:

7.(g) The manufacture of paints, coatings, caulks, adhesives and sealants.

8.(h) The manufacture of plastics and rubber materials.

9.(i) The manufacture of chlorine.

+0.(j) The manufacture of shotgun ~~shots~~ shell wads.

++.(k) The manufacture of asphalt concrete.

(2) ~~(title)~~ STANDARD Each owner or operator of any of the manufacturing operations to which this section applies shall either:

(a) Discharge no visible emissions to the outside air from these operations or from any building or structure in which they are conducted; or

(b) Use the methods specified by s. NR 447.15 to clean emissions from these operations containing particulate asbestos material before they escape to, or are vented to, the outside air.

SECTION 2. NR 154.19(4)(d) to (l) are repealed:

SECTION 3. NR 447.06 is created to read:

NR 447.06 STANDARD FOR DEMOLITION AND RENOVATION; APPLICABILITY.

The requirements of ss. NR 447.07 and 447.08 apply to each owner or operator of a demolition or renovation operation as follows:

(1) If the amount of friable asbestos materials in a facility being demolished is at least 80 linear meters (260 linear feet) on pipes or at least 15 square meters (160 square feet) on other facility components all the requirements of ss. NR 447.07 and 447.08 apply, except as provided in sub. (3).

(2) If the amount of friable asbestos materials in a facility being demolished is less than 80 linear meters (260 linear feet) on pipes and less than 15 square meters (160 square feet) on other facility components only the requirements of s. NR 447.07(1), (2) and (3)(a), (b), (c), (d) and (e) apply.

(c) Estimate of the approximate amount of friable asbestos material present in the facility in terms of linear feet of pipe, and surface area on other facility components. For facilities described in s. NR 447.06(2) explain techniques of estimation.

(d) Location of the facility being demolished or renovated.

(e) Scheduled starting and completion dates of demolition or renovation.

(f) Nature of planned demolition or renovation and methods to be used.

(g) Procedures to be used to comply with the requirements of this chapter.

(h) Name and location of the waste disposal site where the friable asbestos waste material will be deposited.

(i) For facilities described in s. NR 447.06(3), the name, title, and authority of the state or local governmental representative who has ordered the demolition.

SECTION 5. NR 447.08 is created to read:

NR 447.08 STANDARD FOR DEMOLITION AND RENOVATION; PROCEDURES FOR ASBESTOS EMISSION CONTROL

Each owner or operator to whom this section applies shall comply with the following procedures to prevent emissions of particulate asbestos material to the outside air:

(1) Remove friable asbestos materials from a facility being demolished or renovated before any wrecking or dismantling that would break up the materials or preclude access to the materials for subsequent removal. However, friable asbestos materials need not be removed before demolition if:

(a) They are on a facility component that is encased in concrete or other similar material; and

(b) These materials are adequately wetted whenever exposed during demolition.

(2) When a facility component covered or coated with friable asbestos materials is being taken out of the facility as units or in sections:

(a) Adequately wet any friable asbestos materials exposed during cutting or disjoining operations; and

(b) Carefully lower the units or sections to ground level, not dropping them or throwing them.

(b) Remove facility components coated or covered with friable asbestos materials as units or in sections to the maximum extent possible.

(7) For facilities described in s. NR 447.06(3), adequately wet the portion of the facility that contains friable asbestos materials during the wrecking operation.

SECTION 6. NR 447.09 is created to read:

NR 447.09 STANDARD FOR SPRAYING

The owner or operator of an operation in which asbestos-containing materials are spray applied shall comply with the following requirements:

(1) Use materials that contain 1 percent asbestos or less on a dry weight basis for spray-on application on buildings, structures, pipes, and conduits, except as provided in sub. (3).

(2) For spray-on application of materials that contain more than 1 percent asbestos on a dry weight basis on equipment and machinery, except as provided in sub. (3):

(a) Notify the department at least 20 days before beginning the spraying operation. Include the following information in the notice:

1. Name and address of owner or operator;
2. Location of spraying operation; and
3. Procedures to be followed to meet the requirements of this subsection.

(b) Discharge no visible emissions to the outside air from the spray-on application of the asbestos-containing material or use the methods specified by s. NR 447.15 to clean emissions containing particulate asbestos material before they escape to, or are vented to, the outside air.

(3) The requirements of subs. (1) and (2) do not apply to the spray-on application of materials where the asbestos fibers in the materials are encapsulated with a bituminous or resinous binder during spraying and the materials are not friable after drying.

SECTION 9. NR 447.12 is created to read:

NR 447.12 STANDARDS FOR WASTE DISPOSAL FOR ASBESTOS MILLS

Each owner or operator of any source covered under the provisions of s. NR 447.03 shall:

(1) Deposit all asbestos-containing waste material at waste disposal sites operated in accordance with the provisions of s. NR 447.17; and

(2) Discharge no visible emissions to the outside air from the transfer of asbestos waste from control devices to the tailings conveyor, or use the methods specified by s. NR 447.15 to clean emissions containing particulate asbestos material before they escape to, or are vented to, the outside air. Dispose of the asbestos waste from control devices in accordance with s. NR 447.13(2) or sub. (3); and

(3) Discharge no visible emissions to the outside air during the collection, processing, packaging, transporting, or deposition of any asbestos-containing waste material, or use one of the disposal methods specified in par. (a) and (b), as follows:

(a) Use a wetting agent as follows:

1. Adequately mix all asbestos-containing waste material with a wetting agent recommended by the manufacturer of the agent to effectively wet dust and tailings, before depositing the material at a waste disposal site. Use the agent as recommended for the particular dust by the manufacturer of the agent.

2. Discharge no visible emissions to the outside air from the wetting operation or use the methods specified by s. NR 447.15 to clean emissions containing particulate asbestos material before they escape to, or are vented to, the outside air.

3. Wetting may be suspended when the ambient temperature at the waste disposal site is less than -9.5°C (15°F). Determine the ambient air temperature by an appropriate measurement method with an accuracy of $\pm 1^{\circ}\text{C}$ ($\pm 2^{\circ}\text{F}$), and record it at least hourly while the wetting operation is suspended. Keep the records for at least 2 years in a form suitable for inspection.

(b) Use an alternative disposal method that has received prior approval by the department.

Alternatively, use warning levels specified by occupational safety and health standards of the department of labor, occupational safety and health administration (OSHA) under 29 CFR 1910.1001(g)(2)(ii), incorporated by reference in ch. NR 484.

(b) Process asbestos-containing waste material into nonfriable forms, as follows:

1. Form all asbestos-containing waste material into nonfriable pellets or other shapes; and
2. Discharge no visible emissions to the outside air from collection and processing operations, or use the methods specified by s. NR 447.15 to clean emissions containing particulate asbestos material before they escape to, or are vented to, the outside air.

(c) Use an alternative disposal method that has received prior approval by the department.

SECTION 11. NR 447.14 is created to read:

NR 447.14 STANDARD FOR INACTIVE WATER DISPOSAL SITES FOR ASBESTOS MILLS AND MANUFACTURING AND FABRICATING OPERATIONS

Each owner or operator of any inactive waste disposal site that was operated by sources covered under s. NR 447.03, 447.05 or 447.10 and received deposits of asbestos-containing waste material generated by the sources, shall

(1) Comply with one of the following:

(a) Either discharge no visible emissions to the outside air from an inactive waste disposal sites subject to this section; or

(b) Cover the asbestos-containing waste material with at least 15 centimeters (6 inches) of compacted non-asbestos-containing material, and grow and maintain a cover of vegetation on the area adequate to prevent exposure of the asbestos-containing waste material; or

(c) Cover the asbestos-containing waste material with at least 60 centimeters (2 feet) of compacted non-asbestos-containing material, and maintain it to prevent exposure of the asbestos-containing waste; or

(b) Fence the perimeter of the site in a manner adequate to deter access by the general public.

(c) Upon request and supply of appropriate information, the department will determine whether a fence or a natural barrier adequately deters access by the general public.

(3) The owner or operator may use an alternative control method that has received prior approval of the department rather than comply with the requirements of sub. (1) or (2).

SECTION 12. NR 447.15 is created to read:

NR 447.15 AIR CLEANING

(1) The owner or operator who elects to use air-cleaning, as permitted by ss. NR 447.03, 447.05, 447.08(3)(b) and (4)(b), 447.09(2)(b), 447.10(2), 447.12(2) and (3)(a)2. and 447.13(2)(a)2 and (b) shall:

(a) Use fabric filter collection devices, except as noted in sub. (2) doing all the following:

1. Operating the fabric filter collection devices at a pressure drop of no more than .995 kilopascal (4 inches water gage), as measured across the filter fabric; and

2. Ensuring that the airflow permeability, as determined by ASTM Method D737-75, incorporated by reference in ch. NR 484, does not exceed $9 \text{ m}^3/\text{min}/\text{m}^2$ ($30 \text{ ft}^3/\text{min}/\text{ft}^2$) for woven fabrics or $11 \text{ m}^3/\text{min}/\text{m}^2$ ($35 \text{ ft}^3/\text{min}/\text{ft}^2$) for felted fabrics, except that $12 \text{ m}^3/\text{min}/\text{m}^2$ ($40 \text{ ft}^3/\text{min}/\text{ft}^2$) for woven and $14 \text{ m}^3/\text{min}/\text{m}^2$ ($45 \text{ ft}^3/\text{min}/\text{ft}^2$) for felted fabrics is allowed for filtering air from asbestos ore dryers; and

3. Ensuring that felted fabric weighs at least 475 grams per square meter (14 ounces per square yard) and is at least 1.6 millimeters (one-sixteenth inch) thick throughout; and

4. Avoiding the use of synthetic fabrics that contain fill yarn other than that which is spun.

(b) Properly install, use, operate, and maintain all air-cleaning equipment authorized by this section. Bypass devices may be used only during upset or emergency conditions and then only for so long as it takes to shut down the operation generating the particulate asbestos material.

(2) There are the following exceptions to sub. (1)(a):

SECTION 14. NR 447.17 is created to read:

NR 447.17 ACTIVE WASTE DISPOSAL SITES

To be an acceptable site for disposal of asbestos-containing waste material under ss. NR 447.12 and 447.13, an active waste disposal site must meet the requirements of this section.

(1) Either there must be no visible emissions to the outside air from any active waste disposal site where asbestos-containing waste material has been deposited, or the requirements of sub. (3) or (4) must be met.

(2) Unless a natural barrier adequately deters access by the general public, either warning signs and fencing must be installed and maintained as follows, or the requirements of sub. (3)(a) must be met.

(a) Warning signs must be displayed at all entrances and at intervals of 100 m (330 ft) or less along the property line of the site or along the perimeter of the sections of the site where asbestos-containing waste material is deposited. The warning signs must:

1. Be posted in such a manner and location that a person can easily read the legend; and
2. Conform to the requirements of 51 cm x 36 cm (20" x 14") upright format signs specified in 29 CFR 1910.145(d)(4), incorporated by reference in ch. NR 484, and this paragraph; and
3. Display the following legend in the lower panel with letter sizes and styles of a visibility at least equal to those specified in this paragraph.

Legend	Notation
Asbestos Waste Disposal Site	2.5 cm (1 inch) Sans Serif, Gothic or Block
Do Not Create Dust	1.9 cm (3/4 inch) Sans Serif, Gothic or Block

The rules contained herein shall take effect as provided in s. 227.026(1)(intro.), Stats.

DATED AT MADISON, WISCONSIN May 30, 1986

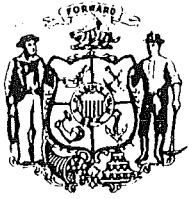
STATE OF WISCONSIN, DEPARTMENT OF NATURAL RESOURCES

(SEAL)

By Carroll D. Besadny
Carroll D. Besadny, Secretary

6552W

9/20/85



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

May 30, 1986

IN REPLY REFER TO: 1020

Mr. Orlan L. Prestegard
Revisor of Statutes
Suite 904
30 W. Mifflin Street

RECEIVED

JUN 5 1986

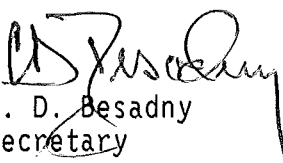
Revisor of Statutes
Bureau

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. A-36-85. These rules were reviewed by the Assembly Committee on Environmental Resources and the Senate Committee on Energy and Environmental Resources pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,


C. D. Besadny
Secretary

Enc.
8120K