

HOUSE BILL NO. 239

INTRODUCED BY J. ESSMANN

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A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING THE TERM "REGULATED ASBESTOS-CONTAINING MATERIAL" IN ASBESTOS PROJECTS REGULATED BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY; AND AMENDING SECTIONS 75-2-502 AND 75-2-519, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 75-2-502, MCA, is amended to read:

"75-2-502. Definitions. As used in this part, unless the context requires otherwise, the following definitions apply:

(1) "Accreditation" means a certificate issued by the department that permits a person to work in an asbestos-related occupation.

(2) "Asbestos" means asbestiform varieties of chrysotile, amosite, crocidolite, anthophyllite, tremolite, or actinolite.

(3) "Asbestos project" means the encapsulation, enclosure, removal, repair, renovation, placement in new construction, demolition of ~~asbestos~~ regulated asbestos-containing material in a building or other structure, or the transportation or disposal of regulated asbestos-containing material waste. The term does not include a project that involves less than 3 160 square feet in surface area or 3 260 linear feet of pipe.

(4) "Asbestos-related occupation" means an inspector, management planner, project designer, contractor, supervisor, or worker for an asbestos project.

(5) "Department" means the department of environmental quality provided for in 2-15-3501.

(6) "Person" means an individual, partnership, corporation, sole proprietorship, firm, enterprise, franchise, association, state or municipal agency, political subdivision of the state, or any other entity.

(7) "Regulated asbestos-containing material" means:

(a) friable asbestos material;

(b) nonfriable asbestos-containing packing, gasket, resilient floor covering, or asphalt roofing product that contains more than 1% asbestos as determined using polarized light microscopy according to methods pursuant to federal regulation that has become friable;

1 (c) materials in subsection (7)(b) that have been or will be subjected to sanding, grinding, cutting, or
2 abrading;

3 (d) any asbestos-containing material not included in subsection (7)(b) that contains more than 1%
4 asbestos as determined using polarized light microscopy according to methods pursuant to federal regulation that
5 has been or has a high probability of becoming crumbled, pulverized, or reduced to powder during the course
6 of demolition or renovation operations."

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8 **Section 2.** Section 75-2-519, MCA, is amended to read:

9 **"75-2-519. Cleanup orders.** The department may issue a cleanup order to any person that has
10 deposited regulated asbestos-containing material or that has disturbed regulated asbestos-containing material
11 or that owns any property where the regulated asbestos-containing material is located when the material poses
12 an immediate threat to public health or the environment or is likely to pose a threat to public health or the
13 environment in the immediate future. The order may direct the person to clean up and transport the regulated
14 asbestos-containing material to an authorized disposal facility, to treat the material so as to render it
15 nonhazardous, or to take other necessary actions."

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