

# **Kansas Administrative Regulations**

## **Department of Health and Environment**

### **Article 50.—Asbestos Control**

#### **28-50-8. Asbestos project notification requirements.**

(a)(1) Each licensee, state agency, or political or taxing subdivision of the state that proposes to use its own employees to engage in an asbestos-removal project, an asbestos-encapsulation project, an asbestos-related dismantling project, or an asbestos-related demolition project shall notify the department of this intent by submitting a properly completed written notification in a manner that will reasonably assure its receipt at the department's offices not later than 10 working days before the project is intended to be started. This requirement shall apply to projects conducted in occupied spaces as defined in K.A.R. 28-50-1(bb). Improperly completed notifications may be returned for correction and required to be resubmitted in accordance with the requirements of this subsection. For the purpose of this regulation, "working days" means days other than Saturdays, Sundays, or legal holidays.

(2) The 10-day notification requirement may be waived by the department in emergency or other situations if the written notification required by subsection (b) is received a sufficient amount of time before initiation of the project to allow the department to complete any proposal reviews or inspections that it considers to be necessary. An emergency notification may be made verbally but shall be verified in writing within one working day afterwards.

(b) The notification required by subsection (a) of this regulation shall be submitted on forms provided by the department and shall be accompanied by a check or money order for payment of the fee prescribed by subsection (d) of this regulation, except as otherwise provided by that subsection. The notification shall include the following information and any additional information that is requested by the department in order to determine the nature of the project and to identify any state and federal laws or regulations that are applicable to it:

(1) A description of the structure in which the activities will be carried out;

- (2) the anticipated dates during which the activities will be carried out;
- (3) the anticipated amount and type of friable asbestos-containing material that will be involved in the activity;
- (4) a general description of the work practices that will be followed, including containment and worker protection measures that are proposed;
- (5) a listing of the employees that will be involved in the project or operation and information concerning whether or not the employees have been certified in accordance with these regulations or have received special asbestos-related work training; and
- (6) the manner in which asbestos-containing materials are to be disposed of.

(c) Each notification that is provided in accordance with the requirements of subsections (a) and (b) of this regulation and indicates that the activity for which the notification has been provided will be, or is likely to be, carried out in violation of any of the requirements of an asbestos-control regulation that pertains to the project shall be considered to be an invalid notification. The person who submits the notification shall be notified by the department of the nature of the identified violation as quickly as practicable before the activity is scheduled to start. A notification that has been revised to eliminate the identified violation shall be submitted in accordance with the requirements of subsection (a) of this regulation and shall be approved by the department before the activity is initiated.

(d) Each business entity that engages in an asbestos-removal project, an asbestos-encapsulation project, an asbestos-related dismantling project, or an asbestos-related demolition project that is required to be reported under this regulation shall pay a project evaluation fee that has been calculated in accordance with the following requirements:

(1) A baseline fee of \$50 shall be paid for each activity required to be individually reported under this regulation.

(2) An additional fee shall be paid for each asbestos-removal project, asbestos-encapsulation project, asbestos-related dismantling project, and asbestos-related demolition project involving 260 lineal feet or more of friable asbestos-containing material that is installed on a pipe surface or 160 square feet or more of friable asbestos-containing material that is installed on the surface of any other type of structural or equipment item. The additional fee shall be based upon the amount of

money proposed to be paid to the business entity for the completion of all project-related activities that are subject to the requirements of these regulations and shall be calculated as 0.5 percent of the amount of this payment, except that the fee shall be rounded off to the nearest whole dollar and shall not exceed \$2,500. If the business entity is to be paid a lump sum to cover the work done on facilities that are required to be reported on more than one notification form, or a lump sum that will only be reasonably determinable upon completion of one or more reportable activities, an alternate schedule that will permit delayed payment of the fee established under this subsection may be approved by the department.

(3) If the department agrees to waive the normal 10-day notification period for other than emergency situations, under provisions of subsection (a) of this regulation, the project evaluation fee shall be two times the amount that is calculated in accordance with the provisions of paragraphs (d)(1) and (d)(2) of this regulation.

(4) If the payment used to calculate the fees established by paragraph (d)(2) of this regulation subsequently changes, the department shall be immediately advised of the reason for, and the amount of, this change. When the payment is proposed to be increased, the fee shall also be increased in accordance with the provisions of paragraphs (d)(1) and (d)(2). No portion of a fee that is initially paid shall be refunded if the payment to the contractor has been reduced below the amount that was used to originally calculate the fee.

(Authorized by K.S.A. 1998 Supp. 65-5303; implementing K.S.A. 1998 Supp. 65-5302, 65-5303, K.S.A. 65-5307, 65-5312, 65-5309; effective, T-87-1, Jan. 6, 1986; effective May 1, 1987; amended, T-88-54, Dec. 16, 1987; amended May 1, 1988; amended Feb. 4, 1991; amended Oct. 1, 1999.)

\*\*\*\*\* Authenticated Kansas Administrative Regulation \*\*\*\*\*