

Minutes

Asbestos Advisory Group Meeting

February 3, 2016
Room 45 Metcalf Building

Optional Work Session: 10:30am to 12:00pm

General Session: 1:30pm to 3:30pm

The goal of the Asbestos Advisory Group is to advise DEQ on various issues relating to asbestos regulation.

Committee Members in Attendance:

Jim Devlin - Citizen at Large
Joe Radonich- State & Federal Public Works
Bruce Kirby - Contractors & Consultants
Ed Surbrugg - Consulting Engineers & Architects
Peggy Trenk - Trade Associations
Barb Butler - Waste & Materials Management
David Galt - Major Facilities
Annette Satterly - School Organizations
Jennene Lyda- Worker Protection (via Lync)
Brad Evanger - Minor Facilities (via Lync)
Nick Van Tighem - General Construction Contractors

Committee Members not in Attendance:

Harold Blattie- City & County Public Works & Permitting
Gayla Benefield - Environmental Advocacy - Resigned

Others in Attendance:

David Keller - Major Facilities
Greg Kurvink - DEQ ACP
Judy Kirby - Kirby Environmental
Jessica Smith - DEQ REM State Superfund
John Benoit - DEQ ACP
Denise Kelly - DEQ P&C Officer Fiscal Officer
Jim Whaley - A/E DOA

AAG Support Staff in Attendance:

Ed Thamke - DEQ WUTM Bureau Chief
Deb Grimm - DEQ Asbestos Control Program
Emily Ewart - DEQ Rule Writer
Kerri Blanton - DEQ Minutes
Mark Hall - DEQ Hazardous Materials Section
Bob Habeck - DEQ Facilitator

Optional Work Session – 10:30 a – 12:00 p

- **Members in Attendance:** Jim Devlin, Bruce Kirby

General Session was called to order at 1:30 p.m. by Bob Habeck

Welcome & Opening Remarks:

- Bob Habeck provided the Welcome and Opening Remarks and review of the February meeting. Bob asked for those on the phone to identify themselves.

Action Item:

- January Minutes. Motion to approve was moved by Peggy Trenk and second by Bruce Kirby. No further discussion. There was unanimous approval.
- Bob reviewed the February agenda items.

Old Business:

- Bob discussed the membership recruitment status for the Environmental Advocacy position that was previously occupied by Gayla Benefield. The application deadline is February 15, 2016. Bob encourages everyone to share the announcement with interested parties.
- Bob discussed the current state executive planning process and associated timelines. It was noted that there probably isn't enough time to advance potential asbestos requests for the 2017 legislative session. Bob solicited discussion on how best to proceed and what recommendation strategies the members may have in mind. Members suggested that recommendations should generally address DEQ administrative rules and policies to have successful outcomes and be enforceable.
- Bob reviewed some documents in Basecamp and discussed how members can best discuss and edit topics by focus group. He encouraged everyone to keep using Basecamp and if members have questions to contact either Lisa or Emily.
- No public comment on old business.

New Business:

Permitting Focus Group

- Deb Grim discussed abatement, annual, and demolition permits in each county for 2014-2015. She went over the application project permit application timeline flow charts which explained the application 5 and 10 day timeframe.
- The following draft recommendations were generally suggested:
 - DEQ should require notification of all asbestos projects and make notification available online. <AAG members may clarify recommendation by providing How?>

- DEQ should provide for online application for annual permit (allow pdf attachments) and allow credit card payments. <AAG members may clarify recommendation by providing a timeline, discounts, etc.>
- DEQ should explain why the specific regulatory thresholds are used (education and outreach) and to the maximum extent possible, reconcile discrepancies. <AAG members may clarify recommendation by providing examples, etc.>
- DEQ should pursue working with local government to incorporate an asbestos inspection check box on local building permits. <AAG members may clarify recommendation by providing a model checkbox, etc.>

State & Federal Regulations Focus Group

- Mark Hall and Bob discussed the Asbestos priority definitions.
- The following recommendations were generally suggested:
 - DEQ should explain asbestos regulations (state & federal) to inform individuals why the regulations are important and to promote compliance assistance. <AAG members may clarify recommendation by providing How? Where? When? With Whom?>
 - DEQ should clarify and/or revise the definitions for 'Miscellaneous Materials' (including sampling of misc. materials); 'Thoroughly Inspect'; and 'Facility' to allow for more administrative flexibility while not causing harm to health or the environment. <AAG members may clarify recommendation by adding additional definitions for review, etc.>
 - DEQ should require a form for disposal of asbestos containing materials for screening waste streams at landfills. <AAG members may clarify recommendation regarding need for form (reduced liability) and how/why need for consistency, etc.>

Funding Focus Group

- Deb Grimm and Bob discussed the Asbestos Fee Rules document which was posted on Basecamp and the ACP website.
- The following recommendations were generally suggested:
 - DEQ should provide a fee discount for individuals with multiple asbestos certifications for the purpose of promoting professional conduct and customer service. <AAG members may clarify recommendation by providing How? When? Who?>

- DEQ should increase compliance rates and thereby revenue would increase. <AAG members may clarify recommendation by providing How? When? Who?>
- DEQ should adopt an application fee of \$50 to \$100 for each project removing non-friable and non-regulated floor tile, pipe or roofing material projects. <AAG members may clarify recommendation by expanding applicability, etc.>

Enforcement & Cleanup Focus Group

- Bob introduced the Asbestos Containing Pipe issue statement and the revised issue statement relating to Asbestos in Soils. These issue statement will be further refined by DEQ before further discussion by AAG.
- The following recommendations were generally suggested:
 - DEQ should allocate more staff time to identifying non-compliance and take the appropriate measures to achieve compliance. <AAG members may clarify recommendation by outlining specific methods to increase compliance, etc.>
 - DEQ should develop and distribute education / information materials for asbestos regulatory requirements to promote compliance. Make information available in both hardcopy and electronically. <AAG members may clarify recommendation by providing How? Types?>
 - DEQ should revise its enforcement process to increase monetary fines both in terms of frequency and amount. <AAG members may clarify recommendation by providing \$ amount or frequency definition, etc.>
 - DEQ should publish a list of non-compliant contractors. <AAG members may clarify recommendation by outlining by Who? When?>

Public Comment:

- No public comment on any matter not contained on the agenda but is within the scope of the AAG.

Action and Discussion Items for March Meeting:

- Review of February minutes for approval.
- Review draft recommendations by Focus Group.
- Meeting calendar to the end of the year.

Meeting Adjourned at 3:30 p.m.