

Minutes

Asbestos Advisory Group Meeting

May 4, 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:

Jennene Lyda – Worker Protection
Alan Olson – Major Facilities
Brad Evanger – Minor Facilities (via Lync)
Bruce Kirby – Contractors & Consultants
Ed Surbrugg – Consulting Engineers & Architects
Joe Radonich – State & Federal Public Works
Barb Butler – Waste & Materials Management
Jim Devlin – Citizen at Large

Committee Members not in Attendance:

Peggy Trenk - Trade Associations
Vacant - Environmental Advocacy
Annette Satterly - School Organizations
Nick Van Tighem - General Construction Contractors
Harold Blattie- City & County Public Works & Permitting

Others in Attendance:

Greg Kurvink – DEQ ACP
John Benoit – DEQ ACP
Judy Kirby – Kirby Environmental
Doug Tisdell - Northern Industrial Hygiene
Mark Smith – DEQ – SRF
Jim Whaley – DOA A/E

AAG Support Staff in Attendance:

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

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

- **Members in Attendance: Alan Olson**

General Session was called to order at 1:35 p.m. by Bob Habeck

Welcome & Opening Remarks:

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

Action Item:

- April Minutes. Motion to approve was moved by Ed Surbrugg and second by Bruce Kirby. No further discussion. There was unanimous approval.
- Bob reviewed the May agenda items.

Old Business:

- Bob announced that the Environmental Advocacy position continues to be open until filled. Waiting to hear back on a few leads from Butte Tech and Carroll College. Hoping to have the position filled by the June meeting.
- Public Comment on Old Business – None.

New Business:

- Bob commented on meetings with DEQ's Drinking Water Program regarding asbestos-containing pipes. There was reflection on pipe bursting and the need to bring that conversation to AAG. Mark Smith said that there is a desire for pipe bursting and the need for it to be a viable option in instances where it appears to be the best option.
- A breakout session occurred for AAG members and others in attendance to make comments or suggestions on the first seven draft recommendations by two focus groups – State & Federal Regulations and Permitting. The group later convened to discuss the comments in general.

State & Federal Regulations

- R1) **“DEQ should explain asbestos regulations (state & federal) to inform individuals why the regulations are important and to promote compliance assistance.”**
 - Jim Devlin asked if we have the money and resources for outreach. Ed Thamke explained that ACP does outreach but we have a small program. ACP does informal outreach, but only a very small part of it is formal outreach.
 - Barb Butler pointed out the perception that asbestos isn't around anymore especially in newer building and homes. Ed Thamke talked about engaging extended staff within DEQ for outreach efforts.
 - Bob Habeck suggested that R1, R6, and R8 have a similar theme – regulation and outreach.

- R2) **“DEQ should clarify 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.”**
 - Joe Radonich brought up that per NESHAP, a bridge less than 20 feet is not considered a structure or facility which eliminates inspections. It was discussed that some people think others are trying to find exclusions while others think people are trying to clarify, not exclude.
 - Alan Olson pointed out the possibility of blow back if DEQ tries to be more stringent than federal regulations.
 - Doug Tisdell spoke about the definition of ‘thoroughly inspect,’ the word “all” is literally impossible and unrealistic. There is not access to foundations and other areas for a demo. He recommended having an Inspector or Contractor / Supervisor on-site during demos.
 - Joe Radonich brought up that EPA uses the phrase “good faith survey.” It was discussed that this is too vague and suggested using “due diligence.”

- R3) **“DEQ should require a standard form for disposal of asbestos containing materials for screening waste steams at landfills.”**
 - Possibly combine with R7.
 - Discussions on the possibility of incentives for landfills if they screen.
 - Barb Butler commented on landfill vs. contractor compliance.
 - It was suggested that the hauler could be more involved. This would have to involve DOT.

Permitting

- R4) **“DEQ should require all accredited inspectors to post address of their inspections on DEQ’s website for public access or notify DEQ by phone or other means.”**
 - It was discussed that this would be to help facilitate the ACP and Enforcement. ACP doesn’t know if an inspection has been done if they get a complaint. Back and forth conversation agreed that the *intent* is good.
 - Ed Thamke suggested adding another tab to the existing online portal.

- R5) **“DEQ should provide for online application for annual permit (allow pdf attachments) and allow credit card payments.”**
 - The credit card fee was discussed and DEQ informed the group that it will cover the processing fee for an online application using a credit card.
 - There was discussion on the expense including IT contracts.

- R6) **“DEQ should explain why the specific regulatory thresholds are used (education and outreach) and to the maximum extent possible, reconcile discrepancies.”**
 - Statutorily required.

- R7) **“DEQ should work with local governments or other entities to encourage the use of an asbestos inspection check box on local building permits or related actions such as a real estate transaction, etc.”**
 - Jim Devlin suggested that ACP pursue the commercial setting and stay out of residential.
- Jennene asked if AAG could finalize select recommendations as they are recognized. Bob informed the members that it is good practice to leave all recommendations in draft form in case future ideas would cause a change.
- The group discussed a summer celebration. DEQ would like to host a working lunch. No decision was made.

Public Comment:

- There was no public comment on any matter not contained on the agenda but within the scope of the AAG.

Action and Discussion Items for June Meeting:

- Review of May minutes for approval.
- Review of the methodology for synthesizing comments from the State & Federal Regulations and Permitting Focus Group.
- Discussion about July 6th AAG meeting working lunch.
- A breakout session will occur for AAG members and others in attendance to make comments or suggestions regarding the draft recommendations for the two focus groups: 1. Enforcement and Cleanup 2. Funding

Meeting Adjourned at 3:30 p.m.