

Minutes

Asbestos Advisory Group Meeting

November 2, 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
Brad Evanger – Minor Facilities
Peggy Trenk - Trade Associations
Bruce Kirby – Contractors & Consultants
Annette Satterly - School Organizations
Joe Radonich – State & Federal Public Works
Barb Butler – Waste & Materials Management (via Lync)
Jim Devlin – Citizen at Large
Nick Van Tighem - General Construction Contractors

Committee Members not in Attendance:

Alan Olson – Major Facilities
Patricia Heiser - Environmental Advocacy
Ed Surbrugg – Consulting Engineers & Architects
Harold Blattie- City & County Public Works & Permitting

Others in Attendance:

Greg Kurvink – DEQ ACP
John Benoit – DEQ ACP
Jessica Smith – DEQ REM
Kevin Oliver – Northern Industrial Hygiene
Robert Brownell - Northern Industrial Hygiene
Logan Silveira - Northern Industrial Hygiene
John Carter – GED Inc
Joe Aline – Shumaker T&E Class IV Landfill
Jim Simon – Gallatin Solid Waste
Judy Kirby – Kirby Environmental
John Podolinsky – DEQ SBEAP

AAG Support Staff in Attendance:

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

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.
- Bob Habeck gave a brief description of the Draft Memo to Tom Livers that accompanies the Recommendations.
- Bob introduced Deputy Director George Mathieus.
- George thanked the group and said that DEQ appreciates working with such a diverse group and getting different views. George assured the group that these recommendations will be taken seriously.

Action Item:

- September Minutes. Motion to approve was moved by Bruce Kirby and second by Annette Satterly. No further discussion. There was unanimous approval.
- Quick review of agenda for the day.

Old Business:

- **AAG Mission/Progress/Process to Date** – Bob Habeck gave a high level overview of HB434, the different members, and how the group started. Bob explained how the eight items in the bill were initially broken into *Task Teams* using Basecamp, but member preference changed to working in-person as a collective group. Each recommendation started out as a broad idea and details were added as the AAG moved forward. The AAG then added ‘reasons’ to the recommendations so DEQ (and others) could understand the context of the recommendation. A difficulty factor was added by DEQ to provide additional context for implementation.
- Bob also explained that his role was to ensure that DEQ was not leading AAG to specific outcomes, rather that he was responding to AAG’s direction. AAG members agreed with Bob’s characterization of the process and proposed outcome.
- **Public Comments on Old Business – None**

New Business:

Constituent Feedback on Recommendations

- Barb Butler presented the recommendations to the Solid Waste Advisory Committee (SWAC) during their October meeting. Barb explained to the group what SWAC is and that her role is to report back to them what occurs during AAG meetings.
- Annette Satterly used a newsletter at the schools, but received no feedback.
- Bruce Kirby sent emails to his constituents and spoke to people during jobs throughout the year. He also held a contractor/consultant meeting.
- Jennene Lyda had direct agency communication. She only received input on education.

- Joe Radonich outreached to BLM, Forest Service, and the Bureau of Reclamation. Joe didn't get much input from any of them and was surprised that the Forest Service did not have more input.
- Brad Evanger sent emails and spoke with his superiors. He received no feedback from other schools. Brad's boss expressed frustrations with renovations one year after building and homeowners vs. regulated community.
- Jim Devlin spoke with the Center for Asbestos Related Diseases in Libby. He expressed the difficulty in explaining the difference between EPA, DEQ, and OSHA. He hears 'just tell me what to do' regularly from his constituents. Jim expressed the need for more residential outreach and would like to see continued dialog past AAG.
- Dave Keller is personally disappointed there was not more concentration on enforcement. The recommendations will not overly affect their group.

What is life after AAG?

- Ed Thamke expressed his desire to continue the dialog through a different forum, namely the monthly stakeholder's meetings. He pointed out how an asbestos group similar to SWAC could be formed. He said DEQ could keep some of the infrastructure already created by the AAG process and work to get more constituents to the table.
- Bob Habeck pointed out that the work really begins with trying to implement these new changes. AAG members are welcome to continue participation and dialog through the stakeholder process.

Comment Letter from SWAC

- SWAC members strongly concur with R6 -*DEQ should work with stakeholders to encourage an asbestos inspection check-box system for any agency that issues building or related permit actions.*
- SWAC expressed some concerns with R3 – *DEQ should encourage landfills, when applicable, to use a standard form or method for customers to describe their load as non-asbestos prior to disposal.*

There is concern over using a standard method at landfill gates and whether the proposed form would be guidance or rule. Barb commented that landfills vary greatly in size and management. DEQ stated that the vision is an optional form that may be pre-filled prior to arrival at the gate, thus not inhibiting other customers. Bob added two new bullets to clarify the recommendation.

- SWAC commented that some 'difficulty ratings' were not stringent enough due to local challenges. In response, DEQ revised the difficulty rating to include local partners and bumped up some ratings from 'Lows' to 'Mediums'.

- R1. DEQ should conduct additional education and outreach activities to explain state and federal asbestos regulations and to promote compliance assistance.**
- Bruce expressed that constituents have reservations due to past failures. Ed Thamke explained the interrelationships between the Asbestos Control Program (ACP) and stakeholders. The poster was revised to include working with stakeholders on outreach activities.
- R2. DEQ should revise state regulatory definitions to allow for more administrative flexibility while not causing harm to health or the environment.**
- Kevin Oliver expressed concerns on some of the bullet points. Bob explained the flexibility of this recommendation because it allows ACP to address a variety of regulatory concerns.
- R3. DEQ should encourage landfills, when applicable, to use a standard form or method for customers to describe their load as non-asbestos prior to disposal.**
- Difficulty factor was revised to 'Medium'.
- R4. DEQ should require, for agency use only, all accredited asbestos inspectors to register their inspections by facility work site address, inspection date, inspector ID #, and whether asbestos was detected or not.**
- Brad had multiple concerns. He is unsure of having time to put all inspections into another database. He also expressed concerns about having multiple inspections at one location.
 - Deb Grimm from ACP explained the intent/purpose of this recommendation.
- R5. DEQ should provide an online service to apply for annual permits.**
- No Comments.
- R6. DEQ should work with stakeholders to encourage an asbestos inspection check-box system for any agency that issues building or related permit actions.**
- John Podolinsky explained the old process with the building code office.
- R7. DEQ should continue to provide a fee discount for individuals who simultaneously apply for multiple asbestos accreditations.**
- No Comment.

R8. DEQ should adopt a voluntary low-cost registration process for abatement contractors when they perform non-permitted asbestos projects, allowing them to proceed without delay if a non-regulated project becomes regulated.

➤ This recommendation was strongly supported by AAG members.

R9. DEQ should increase compliance by allocating more staff time toward identifying non-compliance and taking the appropriate enforcement actions.

➤ Jim Devlin asked about program implementation and the DEQ complaint line.

Public Comment:

➤ Kevin Oliver said that the current Montana Asbestos Control Act is worded as “asbestos” which is a mineral, and should be changed to “regulated asbestos containing material.”

Action and Discussion Items for Next Meeting:

➤ The group discussed options for voting at December meeting. The group seemed favorable to one motion to adopt all recommendations. Bob will send out an update in a few weeks addressing December’s meeting.

➤ Review of November minutes for approval.

➤ Vote on draft recommendations.

Meeting Adjourned at 3:35 p.m.