

# Minutes

## Asbestos Advisory Group Meeting

August 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:**

Jennene Lyda – Worker Protection (via Lync)  
Brad Evanger – Minor Facilities  
Patricia Heiser - Environmental Advocacy  
Bruce Kirby – Contractors & Consultants (via Lync)  
Nick Van Tighem - General Construction Contractors (via Lync)  
Harold Blattie- City & County Public Works & Permitting  
Joe Radonich – State & Federal Public Works  
Barb Butler – Waste & Materials Management  
Jim Devlin – Citizen at Large  
Ed Surbrugg – Consulting Engineers & Architects

### **Committee Members not in Attendance:**

Alan Olson – Major Facilities  
Peggy Trenk - Trade Associations  
Annette Satterly - School Organizations

### **Others in Attendance:**

Greg Kurvink – DEQ ACP  
John Benoit – DEQ ACP  
Jessica Smith – DEQ REM  
Doug Tisdell – Northern Industrial Hygiene  
Scott Rogers – Environmental Solutions  
Bruce Ingraham – Ingraham Environmental  
Cindy Ingraham - Ingraham Environmental  
John Podolinsky – DEQ Small Business Ombudsman  
Scott Vosen - CTA

### **AAG Support Staff in Attendance:**

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

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

## **Overview:**

**The Morning Optional Work Session was an open conversation with members of the asbestos community. The group discussed the following topics.**

- Compositing of Wall Systems: Discussed various ways of compositing wall system results and the impact on landfills ACP determination to be discussed at 9/7/16 Morning Work Session.
- Point Counting: All present were in agreement on the need to point count. No further discussion is warranted.
- Concrete Sampling: Discussion on concrete containing asbestos. Concrete must be sampled.
- Inspections in New Building: Information discussed on asbestos containing materials coming into the U.S. and the new TSCA bill. All buildings must be inspected. No age limit.
- Age of Inspection Reports: Several inspectors shared the need to have a current inspection and how they use a past inspection to aide in their current inspection. Inspection must reflect the current conditions.
- Landfills: Discussed that all asbestos-containing material, regardless of asbestos content, must go to an asbestos approved landfill and not as C&D waste. Education and ListServ needed.

**General Session was called to order at 1:30 p.m. by Ed Thamke**

## **Welcome & Opening Remarks:**

- Ed Thamke provided the Welcome and Opening Remarks.
- Deb Grimm gave a brief description of the morning meeting and the topics discussed.

### **Action Item:**

- July Minutes. Motion to approve was moved by Harold Blattie and second by Ed Surbrugg. No further discussion. There was unanimous approval.
- The goal of this meeting was to have the recommendations ready for primetime so they can be distributed to the stakeholder's constituents.

## **Old Business:**

- **No discussion of Old Business**
- **Public Comments on Old Business - None**

## **New Business:**

AAG members discussed and made comments and suggestions on the nine draft recommendations.

### **R1. DEQ should conduct additional education and outreach activities to explain state and federal asbestos regulations and to promote compliance assistance.**

- Bruce suggested finding a way to inform registered contractors, such as inserting a flyer into contractor registration notices and solid waste fee invoices.
- Barb has received calls regarding taking down transite. Callers are stating that the state informed them that they don't have to do anything. Barb asked that ACP please inform people to contact landfills who may have more stringent regulations. ACP will also discuss this during its staff meetings.
- Ed Thamke handed out a brochure on Pipe bursting to show the type of outreach that is easy for ACP to produce. He also asked for feedback on this particular brochure.

### **R2. DEQ should revise state regulatory definitions to allow for more administrative flexibility while not causing harm to health or the environment.**

- The group agreed that concrete is not in the TSI definition and should be removed from bullet three.
- Deb suggested that this be brought to the morning work group to ask the contractors how they would like to receive information.
- Joe says this should remain vague to cover source specific inspection (i.e. bridges, residential). Bruce says if it is too vague it doesn't protect the company or owners/clients.
- Deb sees this more for special projects that are not clear cut.
- It was agreed that "agreed upon process" should be changed to Alternate Work Practice, Waiver, Variance, etc.
- Will leave as is, to have further discussion later on word choice.

### **R3. DEQ should encourage landfills to use a standard form or method, when applicable, for customers to describe their load as non-asbestos prior to disposal.**

- This Recommendation was brought up at the SWAC meeting. Barb's biggest concern is the word "screening" in bullet one. It was suggested that "screening" be removed.
- Bruce suggested that it be something as simple as an affidavit so responsibility would fall back to who is bringing in the load.
- Barb brought up homeowners who remodel their basement; if the goal is to protect the workers then everyone must comply, not just contractors.
- Joe suggested removing the word 'screening' and Bruce suggested just changing it. A motion was made and second to delete "screening" from bullet # one.
- Discussion on advertising and renting dumpsters for residential projects. Drivers will refuse to haul dumpsters back for liability reasons.

- It was agreed to strike bullet two as it is incorporated in other bullets.
- Jennene said that “OSHA” should be removed from bullet five and should be replaced with DLI. Jennene and Deb will work together to find the right agency and to clarify bullet five.

**R4. DEQ should require all accredited inspectors to post on its website any abatement, renovation and demolition projects by the facility work site address, inspection date, inspector ID #, and whether asbestos was detected or not.**

- Brad said from an inspector’s standpoint, he wouldn’t always know.
- Deb explained the original intent of this recommendation and what ACP would expect. This should just be a simple list of properties that have been inspected. This recommendation would allow better customer service to get answers faster for concerned citizens.
- It was agreed to remove “any abatement, renovation and demolition projects” and replace it with “their inspections.”

**R5. DEQ should provide an online service to apply for annual permits.**

- Currently, there are seven annual permits and there will probably be less coming in after the upcoming rule change.

**R6. DEQ should work with stakeholders to encourage an asbestos inspection check-box system for any agency that issues building or related permit actions.**

- It was agreed to remove bullet number four.

**R7. DEQ should continue to provide a fee discount for individuals who simultaneously apply for multiple asbestos certifications.**

- Keep it, it’s good.

**R8. DEQ should adopt a voluntary low-cost notification system for non-permitted asbestos projects that authorizes projects to proceed without delay if friable asbestos is discovered.**

- Deb explained that this is not for projects with no asbestos, but for projects with non-friable asbestos that could become friable.
- Not intended to be a money maker.
- It was agreed to move bullet four to the bottom.

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

- Deb briefly explained the process used now.
- Ed explained that instead of an Enforcement request every time, ACP could take more of a role using Corrective Action Plans.

- Ed Thamke asked how the group would like to utilize the September meeting. Ed Surbrugg suggested bringing in the attorneys for a quick reading and legal review presentation. Ed T. agreed with that suggestion.

**Public Comment:**

- No Public Comment.

**Action and Discussion Items for September Meeting:**

- Review of August minutes for approval.
- Detailed discussions of draft recommendations from all of the Focus Groups.

**Meeting Adjourned at 3:35 p.m.**