

Minutes

Asbestos Advisory Group Meeting

September 7, 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)
Peggy Trenk - Trade Associations (via Lync)
Bruce Kirby – Contractors & Consultants
Annette Satterly - School Organizations
Ed Surbrugg – Consulting Engineers & Architects
Joe Radonich – State & Federal Public Works
Jim Devlin – Citizen at Large

Committee Members not in Attendance:

Alan Olson – Major Facilities
Brad Evanger – Minor Facilities
Patricia Heiser - Environmental Advocacy
Nick Van Tighem - General Construction Contractors
Harold Blattie- City & County Public Works & Permitting
Barb Butler – Waste & Materials Management

Others in Attendance:

Kirsten Bowers – DEQ Legal
Jim Whaley – A/E
Greg Kurvink – DEQ ACP
John Benoit – DEQ ACP
Rick Thompson – DEQ Solid Waste
Chad Anderson – DEQ ENF
Jessica Smith – DEQ REM
Mark Smith – DEQ SRF

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
Deb Grimm - DEQ Asbestos Control Program

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

- Attendees: Bruce Kirby, Greg Kurvink , Joe Radonich, Bob Habeck, Patricia Heiser, Mark Hall, Deb Grimm, Emily Ewart and John Benoit.

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 morning meeting and the topics discussed.

Action Item:

- August Minutes. Bob suggested a change in August minutes to reflect a request from Barb that ACP inform all people to contact landfills who may have more stringent regulations for disposal of asbestos products to ensure for proper disposal.
 - Motion to approve (with changes) was moved by Jim Devlin and second by Bruce Kirby. No further discussion. There was unanimous approval.
- Quick review of agenda for the day.

Old Business:

- **“Parking Garage”** – Bob Habeck expressed his belief that all topics have been taken out of the “parking garage.” The group spoke briefly about the checkbox system included in Recommendation R6.
- Bob Habeck requested that the group think back to make sure there are not any topics not yet discussed.
- **Public Comments on Old Business – None**

New Business:

Basecamp

- Originally, Basecamp was decided to be used as the tool by which sub-committee work was to be conducted. It is a centralized location for stakeholders to share information.
- Bob Habeck asked how the group felt about its continued use and if it is worth the cost to renew the license. Most members expressed that they were not overly-impressed. Participation with Basecamp was low since it had issues and took a lot of effort.
- It was agreed to not renew the Basecamp license. Bob Habeck will ensure that no information is lost.

Draft List of Recommendations

AAG members discussed and made comments and suggestions on the nine draft recommendations. Bob explained a new section called “**Reasons for this recommendation**” had been added now to explain the why in layman terms. Joe Radonich suggested adding a simple reference on the posters which references which HB434 elements were addressed.

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

- No comments were made on the reason. It was agreed to write down the first one or two primary elements and go back if needed for the HB requirements.
- Fulfills HB Requirement: A and G.

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

- Kirsten Bowers inquired about bridges and asked how changing the bridge rule would make a difference. Joe Radonich explained the challenges with inspecting bridges that are remote and made of 100% wood, for example.
- Joe suggested making bridges exempt similar to residential multiplexes.
- Ed Thamke said we are looking for a way to accommodate the concerns on inspecting certain types of bridges based on materials.
- Bob Habeck suggested changing the reason to include ‘*unnecessary inspections of low risk facilities*’.
- There was a brief explanation of the definitions of miscellaneous materials and TSI.
- Kirsten said bullet four may require a state statutory change of the definition of asbestos.
- Fulfills HB Requirement: B, G, and H.

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.

- Rick Thompson said Solid Waste’s focus is on the Operation, not the customer. The solid Waste (SW) program provides regular trainings and could easily add information during training. Rick suggested flyers or pamphlets in bills or other mailings. There is no one size fits all; it will depend on community size and type.
- Deb Grimm said has had conversation with Tiffany Ott regarding other current programs doing this type of training as well.
- Bob Habeck suggested striking ‘*landfill users*’ as a means to narrow the focus.
- Rick said the operators at landfills who accept asbestos have more training and are more prepared to identify these wastes. Rick feels fairly confident in the operators because they are trying to avoid SW violations.
- Annette suggested expanding R1 to include the information for the users at the landfills.
- Ed Thamke wanted to keep the focus on both landfill workers and users to be true to both worker and public health protections. It was agreed both would be referenced.
- Fulfills HB Requirement: I

- 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.**
- There is some concern on having this available to the public.
 - Jim Devlin asked about liability if incorrect information is posted.
 - Bruce Kirby said we should keep the information off the website but having it internally is important. Bob suggested revising to say ‘..for *DEQ use only*’.
 - Fulfills HB Requirement: C and H.
- R5. DEQ should provide an online service to apply for annual permits.**
- Deb explained the \$85,000 cost of this recommendation.
 - Fulfills HB Requirement: H.
- 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.
 - Kirsten said we could possibly use inter-governmental agreements.
 - Fulfills HB Requirement: H.
- R7. DEQ should continue to provide a fee discount for individuals who simultaneously apply for multiple asbestos accreditations.**
- Ed Thamke would like to change the difficulty factor to medium due to needing an IT contractor.
 - Fulfills HB Requirement: F
- 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.**
- Bruce Kirby explained the original intent to Kirsten.
 - The group discussed the difference between Emergency and Revisions.
 - Fulfills HB Requirement: D and B.
- R9. DEQ should increase compliance by allocating more staff time toward identifying non-compliance and taking the appropriate enforcement actions.**
- Ed Thamke explained to the group that the money received via Project Permit fees must be spent on those permitted projects. ACP cannot use that money towards non-compliance.
 - Chad Anderson explained that right now, Enforcement takes the initial calls/complaints.
 - Joe Radonich says this is a good place to include ACP’s need for additional staff.

- Add a bullet to include exploring adding HB2 FTE.
- Add a bullet to explore cross-training to current DEQ staff.
- Fulfills HB Requirement: E.

- Bob Habeck asked if we need to hold an October meeting and stated that Tom Livers is booked with us for November.
- The new Recommendations will be polished soon and can be taken to constituents. Bob will send out a mid-September email to see if there has been enough response to meet in October.
- Chad Anderson said he will make available the Enforcement rules, internal guidance documents, and penalty calculator sample.

Public Comment:

- Bruce Kirby asked if they need to bring in constituent complaints regarding issues not included in the recommendations, i.e. wall board compositing. Deb Grimm told the group that ACP and Legal has come up with a resolution outside of the AAG and will continue that conversation through the pre-meeting work sessions.

Action and Discussion Items for Next Meeting:

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

Meeting Adjourned at 3:35 p.m.