

DEPARTMENT OF ENVIRONMENTAL QUALITY
PERMITTING AND COMPLIANCE DIVISION
WASTE AND UNDERGROUND STORAGE TANK MANAGEMENT BUREAU
HAZARDOUS MATERIALS SECTION

ASBESTOS CONTROL PROGRAM

CALENDAR YEAR 2017 BUSINESS PLAN

Mission Statement

The Department of Environmental Quality's (DEQ) mission is to protect, sustain, and improve a clean and healthy environment to benefit present and future generations.

The Asbestos Control Program's (ACP) mission is to protect human health and the environment from exposure to asbestos. The program strives to accomplish this by providing education, training, and compliance assistance while regulating the Montana asbestos industry. The program upholds the state and federal regulations for which it has authority.

Program Vision Statement

ACP's vision is to provide compliance assistance to all owners of public, commercial, and industrial buildings in Montana (i.e. state and federal government buildings, restaurants, stores, churches, factories, schools, apartments, etc.) to assure all structures are properly inspected for asbestos prior to renovation or demolition. It is the vision of the program that all asbestos containing waste is properly disposed and there are no exposures of asbestos to building occupants, the general public, or the environment. The vision is of an ACP that works together with contractors, consultants, industry trade groups, worker protection agencies, building code offices, landfill operators, sanitarians, and citizens so that all have an understanding of the Montana Asbestos Control Act (ACA), The Administrative Rules of Montana (ARM) and the National Emission Standards for Hazardous Air Pollutants (NESHAP).

Goals and Objectives

The ACP will continue to uphold Montana asbestos statutes and rules to deliver a clear, concise, and consistent perspective of the asbestos statutes and rules. ACP will accomplish this objective, build relationships, and increase confidence within the regulated community and stakeholders, through attainment of the following goals and actions:

- ***Provide compliance assistance.***

A goal of ACP is to provide compliance assistance to owners of structures prior to renovation or demolition. The objective is to review bids and publically-notified projects and bids, and contact the responsible parties to provide them with resource information and compliance assistance regarding their responsibilities according to the asbestos regulations.

- ***Increase asbestos awareness and outreach with the Building Code and Building Permit Departments in Montana***

ACP will outreach to the Building Permit departments in Montana by visiting the departments and handing out asbestos information. The objective will be to coordinate visits with the Building Permit Departments when the program is in the vicinity for asbestos project site visits and work with county commissioners and other city officials to implement city ordinance reviews.

- ***Inform, educate, and empower the accredited asbestos professionals and regulated community to make their own decisions by referring to the asbestos statutes and rules.***

It is the goal of ACP to inform, educate, and empower the accredited asbestos professionals and regulated community. The objective of ACP is to provide information and clarification to the rules by posting frequently asked questions, Environmental Protection Agency determinations, and program clarifications on ACP's website via the List Serve.

- ***Optimization of Business Processes and Procedures***

The goal of ACP is to optimize business processes and procedures for efficiency. The objective is for ACP to review all current business processes and procedures and determine if they are needed and how the process can be streamlined. It is the objective of ACP to become more efficient, resulting in an increased field presence.

- ***Outreach to the Regulated Community and Public***

ACP's goal is to educate and provide compliance assistance to the regulated community, asbestos professionals, and the public. The objective is for ACP to give presentations for asbestos association meetings, union meetings, and other building related association meetings (contractors, homebuilders, roofing, etc.).

- ***Provide program employees with continuing education and training opportunities.***

It is the goal of ACP to provide employees with the opportunity to continue learning. The objective is to identify and evaluate asbestos sampling courses, Environmental Protection Agency sampling training courses, and attend regional and national conferences on asbestos. It is also the objective of ACP to provide training on communication strategies and techniques for all staff.

- ***Review the current asbestos rules.***

ACP's goal is to review the current asbestos rules for clarity and needed enhancements. The objective of the review will be to look at other states asbestos rules and fee structure and compare them to Montana's. It is also the objective of ACP to establish a working rapport and hold discussions with all stakeholders regarding proposed rule changes.

- ***Review the proposed fee rules.***

The goal of the ACP is to review the previously proposed fee rules and incorporate suggestions from the Asbestos Advisory Group (AAG). ACP's objective is to discuss the proposed fee rules with the regulated community during monthly roundtable discussions.

Short Term (CY2017-CY2018) Action Items

ACP's 2017 short term action items include the above goals and the recommendations from the Asbestos Advisory Group (AAG). The 2015 Legislature passed HB434 directing the Department of Environmental Quality (DEQ) to convene the AAG to advise the agency on matters relating to asbestos regulations.

- DEQ should work with stakeholders to develop additional education and outreach information to explain state and federal asbestos regulations and to promote compliance assistance.(Recommendation R1.)
- DEQ should revise state regulatory definitions to allow for more administrative flexibility while not causing harm to health or the environment.(Recommendation R2.)
- 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.(Recommendation R3..)
- DEQ should require, for agency use only, all accredited asbestos inspectors to register their inspections for renovations or demolitions (per NESHAP) by facility work site address, inspection date, inspector ID #, and whether asbestos was detected or not.(Recommendation R4).
- DEQ should work with stakeholders to encourage an asbestos inspection checkbox system for any agency that issues building or related permit actions.(Recommendation R6.)
- DEQ should continue to provide a fee discount for individuals who simultaneously apply for multiple asbestos accreditations.(Recommendation R7.)
- 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.(Recommendation R8.)

Long Term (CY2017-Future) Action Items as Resources Permit

- DEQ should provide an online service to apply for annual permits.(Recommendation R5.)
- DEQ should increase compliance by allocating more staff time toward identifying non-compliance and taking the appropriate enforcement actions.(Recommendation R9).

CY2016 Accomplishments

During 2016, the Asbestos Control Program:

- Performed 155 Site Inspections
- Reviewed and issued 339 permits and demolition acknowledgements
- Reviewed 36 Asbestos Inspection Reports for ENFD
- Reviewed and issued 8 annual facility permits
- Provided cleanup efforts on 6 permitted sites
- ACP answered asbestos questions for Senator Tester's visit to CFAC
- Worked with EPA Region VIII on the Yellowtail Dam enforcement action

- Clarified wallboard could be composited during sampling but could not be composited during analyses (single layer analyses, not averaging)
- Provided compliance assistance to the regulated community on the ACP not allowing filtration of contaminated water resulting from asbestos abatement
- Met monthly with the Asbestos Advisory Group and provided them information and answered their questions on the asbestos statute, rules, determination and clarifications.
- Established a monthly roundtable discussion with interested stakeholders
- Conducted a comprehensive survey of the accreditation process of all 50 states