

State & Federal Regulations

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

This may be achieved by any of the following examples:

- Conduct direct informational mailings to stakeholder groups.
- Provide updated materials and information to training providers via website, other means.
- Insert materials along with City / County Landfill permit notices and asbestos registrations.
- Utilize extended staff to assist with information development and distribution.
- Apply for grants to fund awareness campaigns and design new materials.
- Update the existing DEQ FAQ-document covering EPA and State regulations.
- Create a regulatory manual that incorporates state and federal asbestos regulations.
- Increase DEQ's attendance at asbestos provider trainings and workshops.
- Work with DEQ's Solid Waste Program to provide landfill workers training on asbestos safety.
- Develop information regarding asbestos cement pipe bursting and distribute to stakeholders.

The difficulty factor for implementation is considered to be LOW - challenges include:

- Stakeholders necessary to disseminate information may not prioritize this effort.
- Competing agency priorities within DEQ.

State & Federal Regulations

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

This may be achieved by any of the following examples:

- Revise state rule ARM 17.74.352 to incorporate the federal DOT definition of “Bridge” as being spans greater than 20 feet (CFR 650.305).
- Revise state rules ARM 17.74.352 (31) and ARM 17.74.354 to provide administrative flexibility for what constitutes “Thoroughly Inspect.”
- Revise state rule ARM 17.74.354(3)(d)(iii) sampling and inspection requirements for “Miscellaneous Materials” to be consistent with thermal system insulation (TSI) requirements that excludes fiberglass / foam / rubber / concrete / or other non-ACM as determined by an accredited inspector.
- Create a state policy that presumes all vermiculite products to be an asbestos containing material consistent with federal policy.
- Create a state policy to recognize professional judgement of inspectors through an agreed upon process.

The difficulty factor for implementation is considered to be MED - challenges include:

- Getting EPA to recognize Montana’s definition interpretation - using other federal definitions as a surrogate.
- Competing agency priorities within DEQ.

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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 may be achieved by any of the following examples:

- DEQ and OSHA should work together to create a brochure outlining recommendations to landfills regarding screening for asbestos containing material, worker safety, and decrease in landfill liability if best management practices are implemented.
- Coordinate asbestos compliance inspections with DEQ's Solid Waste Program.
- DEQ should encourage landfills to include a standardized asbestos form in their Operation and Maintenance Plans through the education and outreach process.
- Work with DEQ's Solid Waste Program to provide landfill workers training on asbestos safety.
- Work with OSHA on providing working health and safety training emphasizing worker/user protection and minimizing exposure.

The difficulty factor for implementation is considered to be LOW - challenges include:

- Disseminating the information and gaining support from landfills, landfill employees and other stakeholders.

Enforcement & Cleanup

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

This may be achieved by any of the following examples:

- Utilize technology to the greatest extent to reduce administrative and enforcement process.
- Use existing web portals / database and “shopping cart” feature for ease of use.

The difficulty factor for implementation is considered to be MED - challenges include:

- Maintaining confidentiality of the inspector and owner by listing only the address and inspector ID#.
- Would require state rulemaking to require reporting.
- May require increased funding through fees.

Permitting

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

This may be achieved by any of the following examples:

- Allow for credit card payments without transaction fees.

The difficulty factor for implementation is considered to be MED - challenges include:

- The state does not allow PDF's to be uploaded through its website for security reasons.
- Currently, there are only 7 annual permits so the cost and effort to implement this may outweigh the benefit.

Permitting

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

NEW

~~R6. DEQ should explain why the specific regulatory thresholds are used (education and outreach) and to the maximum extent possible, reconcile discrepancies.~~

~~This may be achieved through the following DEQ actions:~~

- ~~• Is this similar to R1? (Ed & Outreach)~~
- ~~• Federal reg's are hard to change.~~
- ~~• AHERA vs. NESHAP?~~
- ~~• Same as/ no more stringent than OSHA Requirements.~~
- ~~• Threshold values for solid & solid-matrix too.~~
- ~~• Threshold for soils 0.25% carb soils vs. 1% standard PLM (NESHAP)~~
- ~~• Education & Outreach – similar theme across 3 areas.~~
- ~~• Simple is better eg. OSHA~~
- ~~• What about discrepancy between fed and state? 10 sq ft vs 3'~~
- ~~▪ Clearer definition of vermiculite.~~

***NOTE: Combined with R1 & R12**

Permitting

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

This may be achieved by any of the following examples:

- Research how other states utilize check-box systems.
- Work with State Building Codes Bureau to incorporate asbestos inspections with its permit review.
- Consider the feasibility of revising state statute and rule for a required check-box system.
- Coordinate inspections between the Asbestos Compliance and Solid Waste Programs.
- Provide incentives for using a check-box system.
- Involve local government in developing the check-box system.

The difficulty factor for implementation is considered to be MED challenges include:

- Stakeholders necessary to disseminate information may not prioritize this effort.
- May be difficult to provide incentives to accomplish.
- May receive resistance from and local government.