

Funding

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

This may be achieved by any of the following examples:

- Continue this fee discount through existing processes and current application conditions.
- Revise draft asbestos fee rule to ensure consistency with this recommendation.

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

- Modifying existing website for maintenance purposes.
- Modifying the asbestos fee rule is within the control of the ACP.

Permitting

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

This may be achieved by any of the following examples:

- Create a voluntary, low-cost on-line notification system for the project owner / operator.
- Promote this voluntary notification system in DEQ's education and outreach campaign.
- Modify the draft fee rule to include this voluntary notification system.
- Helps not slow down work because it would satisfy NESHAP 10 day notification requirement.

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

- Competing agency priorities within DEQ to develop a notification system.
- Modifying state rules requires agency resource priority.

Incentivizes behavior **Funding**

R9. ~~DEQ should [increase compliance rates] such that revenues would increase through additional accreditation and permit fees.~~

~~Provide additional clarity below~~

- ~~1. Raising accreditation fees does not increase compliance.~~
- ~~2. Define compliance rate? Volume of Accreditations should determine violation fees —————
— Increase Accred = Increase Compliance~~
- ~~3. What is present rate? What would [↑]compliance look like — revenue?~~

~~4. Combine with R11 — both seek to [↑]compliance~~

Revenue is a 2nd thought

~~5. Can increased compliance be assessed/measured? — success of program~~

~~6. Incentivizes compliance —~~

↑ Rates
Based
upon
Actions

METRIC of Success
-revenue
-compliance
-permits? Enforcement
-# of site visits
-# of web hits
-improvement by community
Not state-wide

***NOTE: Combined with R8 & R10**

Permitting

What is this?

Small = ?

~~R10. DEQ should [adopt an application fee] of \$50 for small scale projects [as defined by HB 434] and \$100 for projects not otherwise defined as small that remove non-friable and non-regulated materials such as floor tile, pipe or roofing material projects.~~

NON-REG
Materials

Provide additional clarity below

~~1. This would generate more \$? Is this a revenue Recommendation?~~

~~2. By ↓ fee, theory is that compliance ↑~~

~~3. "Exempt" Means Exempt – Fees should reflect cost of services provided~~

Are Small scale projects currently "Exempt"?

~~4. Yes – Courtesy Notice – May not be received by stakeholders as positive.~~

~~5. Application would fulfill requirements of NESHAP notice.~~

~~6. If there is a change in scope, the app would provide 10 day notice so would be in compliance so work could continue uninterrupted.~~

→ ~~7. Make application available online~~

SEE R8 and R

~~8. Application provides opportunity for compliance assistance.~~

~~9. "Adopting" a new fee REQUIRE Rulemaking?~~

LEANING
TOWARDS
REMOVING

***NOTE: Combined with R8 & R9**

Enforcement & Cleanup

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

This may be achieved by any of the following examples:

- Hire temporary staff or student interns to focus on non-compliant operators.
- Re-prioritize asbestos program activities – allocation internal resources accordingly.
- Revise internal enforcement process to get more offenders to the penalty phase.
- Establish an escalating fine schedule for formal enforcement actions.
- Establish an ACP process for escalating compliance protocols using significance criteria.
- Continue to build positive relationships with compliant customers.

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

- Competing with internal agencies priorities.
- Developing / revising enforcement process for asbestos with limited enforcement staff time.
- Consistency in agency enforcement process – may be legal challenges.

~~Enforcement & Cleanup~~

~~R12. DEQ should develop and distribute education / information materials for asbestos regulatory requirements to promote compliance. Make information available in both hardcopy and electronically.~~

~~Provide additional clarity below~~

- ~~1. Work to leverage existing staff to increase outreach.~~
- ~~2. [Same as R1 – combine] → Agree ——— *ditto~~
- ~~3. Include outreach to DEQ website, press releases, other outputs.~~
- ~~4. Create an 8A Type Program – Connect to local Educated contractors to mentor and develop companies in the way of compliance.~~
- ~~5. Yes~~
- ~~6. * Mentoring Program for Asbestos?~~

***NOTE: Combined with R1 & R6**

~~Enforcement & Cleanup~~

~~R13. DEQ should revise its agency enforcement process to increase monetary fines both in terms of frequency and amount in order to increase program compliance.~~

Protection of human health & the environment

~~Provide additional clarity below~~

- ~~1. Change internal process to get more offenders to the Penalty Phase.~~
- ~~2. Escalating Fines for Repeat Offender~~
- ~~3. Don't try to change overnight, prioritize areas of enforcement and implement worse ones first.~~
- ~~4. Include in overall compliance effort but not as high a priority because the 'deliberately' noncompliant will see this only as a cost of doing business.~~
- ~~5. Consider the Programs main source of Revenue and "don't bite the hand that feeds." Build relationships and encourage positive change.~~
- ~~6. "Generator Knowledge" for disposal of non-permitted ACM abatement projects (similar to HazWaste)~~
- ~~7. Without fines enforcement has no sting.~~

***NOTE: Combined with R11 & R14**

~~Enforcement & Cleanup~~

~~R14. DEQ should publish a list of non-compliant contractors.~~

Who?

As a last effort
for compliance

~~Provide additional clarity below~~

- ~~1. No when educating a student, you do not single them out for group humiliation, you teach.~~
- ~~2. Should only apply to those who 'defy' efforts to gain compliance after outreach & education (ie. The most serious violators)~~
- ~~3. Develop criteria for when that Action takes place — Folks should be aware of the "rules of the game"~~
- ~~4. Only for repeat offenders~~

~~General contractors or Abatement Contractors?~~

Agreed

Inspectors
too?

~~5. Who? → Need legal opinion~~

owner

"owner" vs "contractor" or other

Is this even allowed?

***NOTE: Combined with R11 & R13**