

MEMORANDUM

May 22, 1990

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MAY 22 1990

MDHES  
Environmental Sciences Div.

TO: Larry Lloyd

FROM: Adrian Howe

SUBJECT: EPA Approval of the Montana Asbestos Contractor Accreditation Plan

I am pleased to inform you that the Environmental Protection Agency has granted full approval of the Montana Asbestos Contractor Accreditation Plan as per the attached letter. Please contact me if I may provide further information.

cc: Director's Office  
Legal Unit  
John Wardell - EPA  
AQB  
SHWB





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2466

MAY 12 1995

Ref: 8ART-RTI

Mr. Adrian Howe  
Occupational and Radiological Health Bureau  
Department of Health and Environmental Sciences  
Cogswell Building  
PO Box 200901  
Helena, MT 59620-0901

Dear Mr. Howe:

The Asbestos School Hazard Abatement Reauthorization Act (ASHARA) of 1990 mandated that the U.S. Environmental Protection Agency (EPA) revise its existing Model Accreditation Plan (MAP) regulation (40 CFR Part 763, Appendix C to Subpart E) to accomplish the following purpose: (1) to extend accreditation coverage to include certain workers performing asbestos-related tasks in public and commercial buildings, (2) to increase the minimum number of training hours required for accreditation, and (3) to effect any other changes needed to implement the mandate. A revised asbestos MAP rule was promulgated as an interim final rule on February 3, 1994, and became effective on April 4, 1994.

Based on a detailed review of your State regulations, we are pleased to inform you that the EPA has determined that effective May 9, 1995, the Montana Asbestos Accreditation Program is in full compliance with the requirements of the revised MAP rule. The State of Montana now has the authority to do the following:

- a) Conduct training pursuant to the MAP;
- b) Approve training course providers to conduct training and to issue accreditation that satisfies the requirements for accreditation under the MAP; and
- c) Issue accreditation that satisfies the requirements for accreditation under the MAP.

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MAY 15 1995

AIR QUALITY DIVISION



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500

DENVER, COLORADO 80202-2405

NOV -2 1989

Ref: 8AT-TS

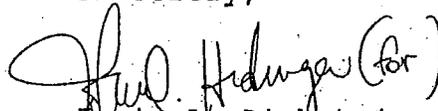
Adrian Howe  
Occupational Health Bureau  
Montana Department of Health and  
Environmental Sciences  
Cogswell Building  
Helena, Montana 59620

Dear Adrian:

This is in response to your letter to Dave Combs requesting comments on the proposed asbestos regulations being developed by the Department of Health and Environmental Sciences. The draft regulations were reviewed by the Regional Toxic Substances Branch, Air Branch, and Regional Counsel. The review was based upon the Asbestos Hazard Emergency Response Act (AHERA), EPA's Worker Protection Rule, and the National Emission Standards for Hazardous Air Pollutants (NESHAPs). I have attached for your consideration our comments on the proposed asbestos control regulations.

Thank you for the opportunity to comment. If you have any questions or need any further information, please give Dave Combs a call at (303) 293-1442.

Sincerely,

  
Irwin L. Dickstein, Director  
Air and Toxics Division

Attachment

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MDHES  
OCCUPATIONAL HEALTH BUREAU



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAY 16 1990

OFFICE OF  
PESTICIDES AND TOXIC SUBSTANCES

Mr. Adrian C. Howe, Chief  
Occupational Health Bureau  
Department of Health and Environmental Sciences  
Cogswell Building  
Helena, Montana 59620

Dear Mr. Howe:

Having reviewed the provisions of the Montana Asbestos Control Act (Chapter No. 581, Montana Session Laws 1989), which authorizes the establishment of Montana's asbestos accreditation program, Montana's accreditation regulations (ARM Chapter 42, 16.42.301 through 16.42.405), and your letter dated March 5, 1990, I am pleased to inform you that the Environmental Protection Agency (EPA) approves the Montana Asbestos Contractor Accreditation Plan for the following asbestos disciplines: Inspector, Management Planner, Project Designer, Contractor/Supervisor and Worker.

Please forward a listing of all course providers approved by the State of Montana to Mr. Phil King of my staff, at the Environmental Protection Agency, 401 M Street, S.W., Mail Drop TS-799, Washington, D.C. 20460 by July 13, 1990. This listing should include the following information:

- a) the course provider's name, address, telephone number, and the name of a contact person if different from the provider;
- b) approved courses;
- c) date of certification (for each approved course)

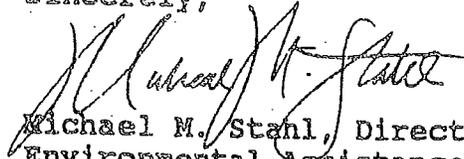
We will plan to include notice of the Montana approval and the courses approved by the State in our August 1990 Federal Register notice of AHERA-related courses and State program approvals.

Please be advised that the Agency may subsequently conduct a follow-up review of a State program to ensure that the requirements of the EPA Model Accreditation Plan (40 CFR Part 763) are being met. If a follow-up review indicates the State program no longer meets the Model, EPA may withdraw its approval.

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If you have any questions about the State program approval process, please phone Phil King at (202) 382-7849.

Sincerely,



Michael M. Stahl, Director  
Environmental Assistance Division  
Office of Toxic Substances

cc: Irwin Dickstein  
David Combs  
Robert McNally  
Joseph Schechter  
Philip King



Memo to Steve Pilcher  
Page Two  
July 15, 1991

- \* OHB would assume responsibility for the asbestos NESHAPs duties listed in the SEA, including inspections of qualifying demolition and renovation projects, reporting of the required information into EPA's computerized database (AQB will provide training) and taking appropriate enforcement action for the department against violators.

Note: AQB will coordinate with OHB during the FY92 SEA negotiations with EPA to assure that OHB knows the level of activity being required.

- \* AQB will manage the federal air pollution grant including meeting state matching requirements for the federal dollars. As mentioned above, a separate responsibility center will be established.

We recommend that the success of the combined program be evaluated at the end of FY92. At that point, changes can be addressed and a decision on the future roles of the two bureaus can be made. Assuming a successful combined program, AQB would prefer to move out of the "middleman" role for regulating and financial management in future years. As we discussed on the 10th, you will explore the acceptability of this proposal with the EPA Regional Office. If you have any questions, please contact us.

JTC:t1

Attachments



STATE OF MONTANA  
OFFICE OF BUDGET AND PROGRAM PLANNING  
OPERATIONAL PLAN/BUDGET  
AMENDMENT

EXPLANATION/JUSTIFICATION  
(SEE REVERSE FOR INSTRUCTIONS)

Agency  
Request No.

91-11

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HEALTH AND ENVIRONMENTAL SCIENCES

THE INFORMATION FOLLOWING IS TO SUPPORT THE ATTACHED OPERATIONAL PLAN/BUDGET AMENDMENT REQUEST

JUSTIFICATION

- The Montana Department of Health and Environmental Sciences (DHES) is responsible for the implementation and operation of an asbestos control program in Montana. The program has been in operation since January 1, 1990. Responsibilities of this program are: A) accredits individuals performing in asbestos-related occupations who have completed a required amount of training and passed an approved examination, B) approves and audits training courses conducted by private course providers, C) issues asbestos abatement project permits, and D) conducts compliance inspections of asbestos abatement projects. In the first six months, the workload has exceeded what the DHES anticipated for an annual workload. Following is a table which compares the workload as originally projected and the annualized workload based on the first six months of program operation:

	Original Workload Projections(per annum)	Annualized Workload
Course Approvals	10	20
Accreditations	25	600
Asbestos Abatement Permits	150	220
Site Inspections	50	125
Course Audits	5	15
Compliance Actions	5	25
Assistance Responses	300	1080

- During the 1989 legislative session when the statute and funding for the program were established, the necessary resources to adequately operate this program were unknown. It was not known how many people were performing in asbestos related occupations or how many asbestos abatement projects might be performed in the state. Therefore, the DHES requested minimal resources for the implementation of the program. The program started full operation on January 1, 1990. At least six months of workload history encompassing a portion of the asbestos abatement industry's busy season was required to make a reasonable evaluation of the program needs. Therefore, additional resources could not be projected for consideration during the Executive Planning Process or for the earlier request to the Governor's office for additional FTE's. The current level budget for FY 91 is \$54,542. The current projection of income from fees, \$160,000, based on \$83,000+ collected since the implementation of the program is sufficient to provide for this budget amendment request of \$86,299.

This is a fee based program which is to be self-supporting. The program is funded by the Resource Indemnity Trust fund (RIT) and the fees collected are deposited back into the RIT.





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OPERATIONAL PLAN/BUDGET  
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HEALTH AND ENVIRONMENTAL SCIENCES

THE INFORMATION FOLLOWING IS TO SUPPORT THE ATTACHED OPERATIONAL PLAN/BUDGET AMENDMENT REQUEST

3. Additional services to be provided by this budget amendment are:
  - a. Accreditation of individuals performing in asbestos-related occupations
  - b. Approve and audit training courses conducted by private course providers
  - c. Issue asbestos abatement project permits
  - d. Conduct compliance inspections of asbestos abatement projects
  - e. Investigations into illegal asbestos abatement projects
  - f. Enforcement activities as needed through contracted legal services.
4. The activities of the Asbestos Control Program are necessary to assure the protection of the public health and welfare. The program was mandated by Public Law 99-519. It has received full U.S. Environmental Protection Agency (EPA) approval. The program is subject to periodic EPA audit and must demonstrate an adequate program to retain such approval.
5. There is no reasonable alternative to providing services for the increased workload other than increased funding authorization for the program.
6. This amendment does not request General Fund Support.
7. DHES requests spending authority in the State Special Revenue Fund. DHES originally requested funding of a minimal program because no workload history existed. With six months of workload history established it is evident that the current program resources cannot deal with the workload in an efficient and timely manner. This unanticipated circumstance makes it imperative that an additional FTE and the corresponding operating expenses be authorized to address the workload that has resulted from Senate Bill 270 that was passed during the 1989 Legislature. Without the approval of this amendment the program will not be able to fulfill the commitments made to industry and the legislature regarding the administration of the program.

Evaluation Criteria

1. DHES will review an additional 500 accreditation applications.
2. DHES will review an additional 70 asbestos abatement project permits.
3. DHES will review an additional 10 course approval applications.
4. DHES will provide an additional 75 site inspections based on issued permits.
5. DHES will perform an additional 10 investigations of illegal asbestos abatement activities which are reported to the program.



STATE OF MONTANA  
OFFICE OF BUDGET AND PROGRAM PLANNING  
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6. DHES will perform an additional 10 audits of approved training courses in accordance with requirements to perform audits on courses at least once every two years.
7. DHES will contract for legal services to seek compliance and penalties on an additional 20 violations.
8. DHES will provide a written evaluation report to the LFA by August 15, 1991.

JH/war-75xt