

## State & Federal Regulations

+R12 +R6

Ed/Outreach

**R1. DEQ should explain asbestos regulations (state & federal) to inform individuals [why the regulations are important] and [to promote compliance assistance.]**

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

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

### NEW

**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 the following actions:**

- Conduct direct mailings to inspectors, contractors, and other trade professions.
- Incorporate materials into existing Department of Labor & Industry Safety Training Programs.
- Insert materials along with City / County Landfill permit notices.
- Target outreach to City / County Building Dept's / Realtors, etc. (radio / T.V. / flyers / PSA).
- Include information with registered and independent registration materials.
- Utilize extended staff to assist with information development and distribution.
- Apply for eligible grants to fund an asbestos awareness campaign.
- Update the FAQ-document covering EPA and State regulations.
- Create an asbestos regulatory manual that incorporates state and federal asbestos regulations summarizing the requirements for stakeholders for ease and understanding.
- Provide clarity between the federal (OSHA) 10ft<sup>2</sup> regulatory threshold requirements verses the state (MCA) 10 ft<sup>2</sup> regulatory threshold requirements.

#### **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 ~~[clarify its position and/or revise the definitions]~~ for 'Miscellaneous Materials' (including sampling of misc. materials); 'Thoroughly Inspect'; and 'Facility' to allow for more [administrative flexibility] while not causing harm to health or the environment.

Understanding & priority

**NEW**

**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 the following actions:**

- 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 exclude fiberglass / foam / rubber / concrete / or other non-ACM as determined by an accredited inspector.
- Create a state policy that presumes all vermiculite to be an asbestos containing material consistent with federal policy.
- Create a state policy to recognize inspector's professional judgement 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.

Encourage? State & Federal Regulations disturbance

R3. DEQ should require a standard form for [disposal] of asbestos containing materials for screening waste streams at landfills.

**NEW**

**R3. DEQ should encourage the use of a standardized process for all landfills to specifically screen for asbestos containing materials prior to disposal.**

**This may be achieved by the following actions:**

- 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 compliance inspections with DEQ's SW Program.
- DEQ should encourage landfills to include asbestos screening in their Operation and Maintenance Plans.

**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.

## Permitting

Regulatory - required

R4. DEQ should require all accredited inspectors to post addresses of their inspections on DEQ's website for public access or notify DEQ by phone or other means.

**NEW**

**R4. DEQ should require all accredited asbestos inspectors to post on its website 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 the following actions:**

- Utilize technology to the greatest extent to reduce administrative and enforcement process.
- Use existing web portals 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.
- May require increased funding through fees.

## Permitting

**R5. DEQ should provide for online application for annual permit (allow pdf attachments) and allow credit card payments.**

**NEW**

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

**This may be achieved by the following actions:**

- Allow for credit card payments without transaction fees.
- Apply for eligible grants to fund an asbestos awareness campaign.

**The difficulty factor for implementation is considered to be MED to HIGH - 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

**R7. DEQ should work with local governments or other entities to ~~include encourage~~ ~~the use of~~ an asbestos inspection check box on local building permits or related actions such as a [real estate transaction,] etc.**

**NEW**

**R6. DEQ should work with stakeholders to encourage an asbestos inspection check-box system for local building permit or related permit actions.**

**This may be achieved by the following actions:**

- Research how other states utilize check-box systems.
- 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, such as reduced fees or priority dumping at landfills.
- Involve waste haulers and local government in developing the check-box system.

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

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