

Funding

R8. DEQ should provide a fee discount for individuals with multiple asbestos certifications for the purpose of promoting professional conduct and customer service.

NEW

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

This may be achieved by the following actions:

- 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

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.

NEW

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

This may be achieved by the following actions:

- 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.

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 rates such that revenues would increase through additional accreditation and permit fees.

R11. DEQ should allocate more staff time toward identifying non-compliance and take the appropriate measures to achieve compliance.

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.

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

NEW

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 the following actions:

- Hire temporary staff or student interns to focus on non-compliant operators.
- Prioritize asbestos program activities – allocation internal resources accordingly.
- Apply for grants to fund information and education campaigns.
- Recognize the difference between a “company” vs “individual” for enforcement purposes.
- 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.
- “Generator Knowledge” for disposal of non-permitted ACM abatement projects (similar to HazWaste).

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**