



Quarterly ACP Hybrid Stakeholder Meeting December 14, 2021 | 2:00 - 4pm via ZOOM and In-Person Meeting Summary

Prepared by Rebecca Meyers

Attendees

Denise Brunett, DEQ Staff
Kevin Stone, DEQ Staff
Andy Ulven, Solid Waste
Fred Collins, Solid Waste
Amanda Allen, DEQ Staff
Cassie Mann, DEQ Staff
Greg Kurvink, DEQ Staff
John Benoit, DEQ Staff
Rick Thompson, DEQ Staff
John Podolinsky
Chad Anderson, Enforcement
Garrett Masin, Enforcement

Rep. Ken Holmlund, Miles City
Bill Kramer
Rob Smith

Michael Kelly
Bryan Alkire
Bruce Ingraham
Marc Ingraham
Mark Nelson
Bob Brownell
Bruce Kirby
Scott Vosen
Eric Copeland, DLI
Laura Hart
Mathew Tooke
Tasha Neil
Mark Oliver
Page Shawna
Tasha Neil
Rebecca Meyers, Consultant/Facilitator

Agenda Items

Welcome and Introductions – *Rebecca Meyers and Denise Brunett*

- Introduction of state staff, Representative Holmlund (R – Miles City), solid waste and asbestos industry and other interested parties.
- To review last meeting’s minutes, [click here](#).
- January 3rd ACP staff adding new hire.

2021 Year to Date ACP Activity Report - *John and Denise*

ACP Staff Update:

- 352 “cold call” emails sent from ACP based on public notices, bid sites, etc.
- 27 water project potential contaminant check and outreach efforts to facilities
- 273 site visits (78 of these were permitted sites)
- 110 Department of Labor and Industry follow up emails sent out.
- 35 complaints filed to Enforcement, eight were then referred to ACP and have/are being addressed
- 653 Accreditations issued
- 337 Permits issued
- 936 calls by JB



- 220 calls by CM
- 403 calls by GK
- 110 calls by AA
- 6 Stakeholder meetings (Trainers, Stakeholders, Other Agencies)
- 1 Legislative committee meeting

Fiberglass Determination – Greg

- EPA provided direction that fiberglass does not fall under the term glass.
- EPA evaluated fiberglass as suspect material and submitted a letter in October 2021 that fiberglass should be included as suspect materials.

MSDS Determination – Greg

- MSDS -EPA and Montana require a thorough inspection. MSDS is not renovation/demolition specific.
- Updated determinations will be posted to the website for future reference.

ACP Staff have met with Eric Copeland with Dept of Labor and Industry and will continue meeting.

Denise has been meeting with epidemiology and toxicology staff at the Department of Public Health and Human Services and epidemiology staff at Department of Labor and Industry to collaborate on information to provide more and better information about asbestos education and awareness.

ACP staff have been meeting with the Solid Waste Program to ensure collaboration and consistency between programs.

Enforcement Update:

- 17 complaints received since last meeting, 9 still active.
- One order signed where responsible party paid a fine.
- DEQ Enforcement has a second case related to work conducted without inspections.
- Challenge is to let contractors know that they must conduct an inspection before work is completed.
 - Eric mentioned that they are working with Contractors and Architects on this issue.

DEQ Survey – Cassie

DEQ has been focused on educating the public and other stakeholders about the hazards of asbestos in Montana. Leadership within DEQ has supported proactive educational efforts and engagement and as a result, ACP staff, Solid Waste, and stakeholders are collaborating to determine a path forward for safe asbestos management. DEQ created two surveys to gather information from the asbestos and solid waste industries. DEQ is receiving survey responses currently and will begin consolidating information to share in the coming months.

- Cassie Mann spoke about stakeholder engagement across the state to increase awareness and safety.



- Staff created two surveys – one for solid waste and one for asbestos industries to learn more about current and best practice, needs, and challenges.
- 19 responses from landfill operators.
- 62 responses from asbestos related interested parties.
- Staff hoping to relay results in February from survey and will provide notice of an anticipated public meeting and further discussion with this group and others.

Solid Waste Program - Fred and Andy

- In a typical year, the SWP aims to host four solid waste trainings across the state.
- In 2021, SWP hosted eight virtual trainings due to COVID-19, doubling the typical audience.
- Trainings are based on management, landfill efficiency trainings, and other items that come up.
- Certification trainings are offered every 3 years.
- Composting has become a higher priority in Montana, so staff have accommodated that through offered trainings.
- SWP staff have been working to provide trainings related to storm water management for industrial facilities in efforts to collaborate with the Water Protection Bureau (WPB) in DEQ.
 - During joint inspection, an opportunity to offer landfills this training presented itself not only as a training opportunity, but a way for landfills to fulfill a part of their MPDES permit requirement issued by WPB.
 - We intend to implement an asbestos training on this same principle, and to fulfill a need for more focus on and regular attention to this waste stream.
- SWP staff have also been looking at types of trainings related to inspector training for landfills. Looking into offering an annual asbestos inspector training for landfill operators and staff.
- Access to robust resources through Blue Ridge Services and working on putting together additional virtual trainings in the future.
 - Attendee asked if these trainings would meet certification standards. There are concerns that there won't be enough state certified inspectors to meet the needs of the state.
- Cassie explained that training is privatized, and asbestos training is different than some other industry requirements. An asbestos training offered to landfills may differ from the one offered to professional asbestos inspectors as landfill operators would be unlikely to inspect facilities outside of the landfill. Several members from the stakeholder group have offered to help with development of a training, and ACP and SWP staff will discuss the elements of a potential training further in the coming months and share with the group.
 - Eric Copeland stated that he has been working with ACP staff to formulate ideas about how to address this concern. In February, DLI employees are coming together for some training and discuss what the needs are to bring on more inspectors. ACP has been invited to present at this staff meeting.

Regulatory Reform – Denise

- Denise walked through a presentation put together related to regulatory reform.



- DEQ is reviewing program oversight. The Red Tape Relief Advisory Council was established by Governor Gianforte and provides high level recommendations based on reviews.
- Work to establish priority areas and come up with a plan for implementation.
- DEQ provided a rough draft of the ACP technical rule amendment to legal services earlier this year. Enforcement will be taking a deep dive review in December and in January ACP will work through the suggestions by March 2022.
- Goal is to have this rule amendment presented to DEQ senior leadership in July 2022.
- Surveys, report outs, and program integration are all part of this work.

AAG Recommendation list update (attached) – Denise and Rebecca

- Provided a brief update on status of each recommendation.
- To date, five of the nine recommendations have been completed and implemented.

Public comment

- Representative Holmlund is interested in increasing inspectors and wants to increase the awareness and understanding of the need within the legislature. Representative Holmlund is working with the Montana Association of Counties to present on asbestos at their winter conference in Billings this February 2022.
- Representative Holmlund is concerned about liability within counties given their role with the landfills. Rather than creating new laws, he would like to focus on providing additional education about the harms of asbestos.
- Representative Holmlund has been writing articles in his local newspaper about the need for education.
- Representative Holmlund has had a conversation with the Governor to make him aware of the need for additional education.
- Attendee added that there have been times architectural firms did not include asbestos in part of their initial inspections.
 - o Staff noted that ACP has been and will continue to send out informational letters to architecture firms in Montana.
 - Attendee mentioned concerns regarding OSHA requirements in Montana
 - o Staff shared that there is an outdated MOU with OSHA to share information about what each sees in the field. The current MOU is in process of being updated. OSHA previously mentioned they would be including staff to work specifically on asbestos issues.
 - ☐ Denise will reach out to the Architect Association to see if ACP can be on the agenda for a fall conference.
 - Questions came up about landfill authority when dealing with NESHAP.
 - o Staff shared that the definition of asbestos in the MT Solid Waste ARM is different for landfills than the definition for others found in the NESHAP. It does reference the NESHAP but uses the NESHAP as a guide once debris enters into the landfill.
 - o Attendee concerned this may require a legislative fix due to the complexity of concern.
 - Attendee: Homeowners are required to have an asbestos inspector inspect waste materials before bringing them to the landfill in Billings. Concerned that this requirement is not being followed.



Site Visit Update

The ACP is working in collaboration with the SWP to allow for site visits to provide for education/training at landfills. Visits will likely take place in the spring of 2022. Plans will be made and presented at the March Asbestos Stakeholder meeting.

*Please contact ACP staff if you are interested in participating in a site visit:

Denise.brunett@mt.gov or deqacponline@mt.gov

Future Topics (*Please submit topics or agenda items to discuss by March 1, 2022, to Denise Brunett*)

- Update on MACo Conference – Representative Holmlund
- Survey results and summaries

Next Steps and Follow Up

- Denise will follow up with MACo, the League of Cities and Towns, and the Architecture Association.
- Denise will follow up with Representative Holmlund on contacts related to epidemiology

Tentative Next Meeting: March 15, 2022 (hybrid)