

# Quarterly ACP Hybrid Stakeholder Meeting

## June 14, 2022 | 2:00 – 3:30pm via ZOOM and In-Person

### Meeting Summary

*Prepared by Rebecca Meyers*

#### Attendees

Denise Brunett, DEQ Staff  
Amanda Allen, DEQ Staff  
Cassie Mann, DEQ Staff  
Greg Kurvink, DEQ Staff  
Travis Biedermann, DEQ Staff  
Chad Anderson, ENF

Bryan Alkire  
Scott Vosen  
Garett Masin, ENF  
Amy Steinmetz, Division Administrator  
Rick Thompson, Bureau Chief

Representative Ken Holmlund, Miles City  
Rebecca Meyers, Consultant/Facilitator  
Marc Ingraham  
Nick Whitaker, DEQ

#### Agenda Items

Introductions – Rebecca

- To review last meeting's minutes please click [here](#)

#### Asbestos Control Program updates – Denise

##### *Regulatory Reform*

- Effort continues to be underway with movement forward.
- Travis is serving as a point of contact on the asbestos rule amendment.
- Denise and staff are ensuring timelines are being met related to amendment efforts.
- The program would like to seek feedback from stakeholders on changes they would like to see in rule.
- For those interested in providing feedback, please visit <https://deq.mt.gov/cleanupandrec/programs/asbestos>
  - Stakeholders will hear more in the fall of 2022, ACP anticipates a brief series of meetings for stakeholder involvement in late summer to early fall.

##### *AAG Recommendations*

- Recommendation 2 – Staff noted that the attorney on rule amendment has changed but should not delay anything.
- Recommendation 6 – Update on outreach efforts as covered by Cassie Mann below.
- Recommendation 9 – This was updated in 2019 so the word “draft” was removed as this is completed.
- AAG recommendations are slated to be completed in 2023.

#### Composite determination- review of potential changes- Denise Brunett

- This was discussed during the last meeting and is currently under review.
- Please contact Denise Brunett with any questions, concerns, or topics.

- Representative Holmlund asked for clarification on what composite determination means.
  - There are two documents called Applicability Determination Index's produced by EPA clarifying composite determination.
  - Here are the links for the 1995 Federal Register [FRL-5399-3](#) and 1995 EPA guidance [ADI A96001](#)
- Attendee – What is the department's interest in looking into this issue?
  - Denise replied that there were earlier requests for clarification. As ACP worked on this, two statutes [MCA 75-2-207](#); [MCA 75-2-503](#) are being considered as they relate to ACP's authority.
  - Attendee – This issue has come up in the past and attendee would like to have the opportunity to discuss any changes, pros and cons, and timelines as they take place so that attendees will have the opportunity to educate others in a timely fashion. A second attendee agreed with the statement.

#### **Outreach Effort Update- Cassie Mann and Amanda Allen**

- Program has been active for the past several months.
- 17 days of fieldwork reviewing permitted and unpermitted sites.
  - Citing at about 30 percent compliance.
- Attended 6 conferences and 12 municipal meetings.
- ACP has created new materials to hand out related to permitting requirements for public reference.
- Looking for recommendations or suggestions about how to educate on permitting.
- Outreach will continue throughout the summer to whom?
- The Inspector search tool on the website remains broken but the team is working to correct this.
- Online accreditation system is converted from EPass to Octa.
  - This will take place first thing on 6/15/2022.
  - Login information will need to change. The new system will prompt the applicant to create a new account requiring a new username and password.
  - Amanda Allen will be available to help with any technical issues.

#### **Solid Waste Program- Rick Thompson**

- Training – Fred has been working with Neal Bolton – Blue Ridge Services to establish relevant asbestos management at landfill trainings.
  - The class will happen no later than August 2022 and will cover regulatory overview, identification of asbestos materials, operations, and safety.
  - Please contact Solid Waste Program staff for details on the training date.
- Compliance Inspections
  - Since January, staff has conducted 30 compliance inspections landfills.
- Guidance for landfill scale-house operators
  - Solid Waste staff is down by half.
  - Fred Collins intends to fill two positions quickly.

- Some landfills have certified inspectors on staff.
- Continuing to focus their time on inspection guidance and education.
- Developing a one page “*At A Glance*” handout for operators to review when considering acceptance of a waste.
  - The purpose of this document is for scale house operators to use as a tool when asking questions regarding construction waste as it comes in.

### **Public Comment**

No agenda Items have been submitted from stakeholders to discuss at this meeting. Please keep in mind that the program is always willing to include topics, updates, or discussions put forth by stakeholders.

- ACP will be scheduling meetings to talk about rule sections with stakeholders in the Fall.
- Attendee would like to see some adjustments to the reciprocity requirements to ensure adequate understanding of rules and statute in Montana if coming from out of state.
  - Denise stated this has been vetted to some extent but requires more input.
  - ACP agrees, and there will be proposed changes to the reciprocity process.
    - Staff would like to see a requirement for a refresher course in Montana.
  - Attendee – Will trainers be required to be physically in the state in order to provide training?
    - As per statute, there is no language mandating training providers teach from within the state of Montana.
    - Concern that trainers are not familiar with all of Montana laws because they may have been trained themselves outside the state.
    - Attendee shared examples of out of state trainers completing a course but did not properly train contractors which led to additional clean up on projects afterward.
    - Health and safety issues will arise if people are improperly trained.
- Online Courses – would like to discuss options for refresher courses regarding in person vs online trainings.
- Representative Holmlund asked if there has been any follow up from other state agencies about inspection data?
  - There has been one follow up from Department of Labor and Industry in February but otherwise there has not been any follow up.

**Tentative Next Meeting: Tuesday September 13<sup>th</sup>, 2022**