Funding

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

This may be achieved by any of the following examples:

- 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

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

This may be achieved by any of the following examples:

- 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.
- Helps not slow down work because it would satisfy NESHAP 10 day notification requirement.

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.
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 Accrd = Increase Compliance

3. What is present rate? What would compliance look like = revenue?

4. Combine with R11 — both seek to increase compliance

   Revenue is a 2nd thought

5. Can increased compliance be assessed/measured? — success of program

   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

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.

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

4. Are Small scale projects currently “Exempt”?

5. Yes – Courtesy Notice – May not be received by stakeholders as positive.

6. Application would fulfill requirements of NESHAP notice.

7. If there is a change in scope, the app would provide 10-day notice so would be in compliance so work could continue uninterrupted.

8. Make application available online

9. Application provides opportunity for compliance assistance.

*NOTE: Combined with R8 & R9"
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 any of the following examples:

- Hire temporary staff or student interns to focus on non-compliant operators.
- Re-prioritize asbestos program activities – allocation internal resources accordingly.
- 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.

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
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.

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 Program’s 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.**

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 (i.e. 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?
   - owner
   - “owner” vs “contractor” or other
   - Is this even allowed?

5. **Who?** → Need legal opinion

*NOTE: Combined with R11 & R13*