



**Quarterly ACP Stakeholder Meeting
June 15, 2021 | 2:30 - 4pm via ZOOM
Meeting Summary**

Prepared by Rebecca Meyers of Northbound Public Affairs

Attendees

Bruce Kirby
Jessica Smith
Virginia Kocieda
Bryan Alkire
Paydn Borland
Chad Anderson
Scott Vosen
Dan Archer
Bryan Alkire
Arielle Connelly
Rob Smith
Mark Oliver
Roger Herman
Tasha Neil
Robert Brownell
Chris Rinehart
Sandy Scherer
Roger Herman
Brad Evanger
Denise Brunett, Staff
John Benoit, Staff
Amanda Allen, Staff
Greg Kurvink, Staff
Cassie Mann, Staff
Rebecca Meyers,
Consultant/Facilitator

Department Update

Between January 1 - June 1, 2021 the following work took place:

- 154 “cold call” emails were sent from ACP based on public notices, bid sites, etc.
- Completed 14 water projects potential contaminant check and outreach efforts to facilities.
- Conducted 158 site visits (47 of these were permitted sites).
- 93 Department of Labor and Industry follow up emails sent out.
- 18 complaints filed to Enforcement, three were then referred to ACP and violation letters sent.
- 391 Accreditations issued.
- 198 Permits issued for asbestos and demolition.
- 415 calls by JB
- 40 calls by CM
- 309 calls by GK
- 80 calls by AA
- 2 Stakeholder meetings (Trainers and Stakeholders)
- 1 Legislative committee meeting.

Agenda Items

Welcome and Introductions – Denise Brunett

- DEQ staff are transitioning into the office with some hybrid situations.
- Denise introduced Rebecca Meyers who has been hired to serve as a facilitator of the ACP Asbestos working group. Rebecca will lead the meetings moving forward, work to develop the agenda with Staff, and will report out after each meeting.

March 9th Meeting Review – Denise Brunett

- Monitoring the AAG recommendations to ensure that work progresses forward.
- Click [HERE](#) to review March 9th minutes

Field Work Update – Cassie Mann

- Cassie reported that field work has been busy.
- Preparing to send out information in order to raise awareness with local governments as it relates to responsibilities and resources available through ACP.

Compliance Assistance Update – John Benoit

- 154 cold calls have been made by ACP to remind people about regulatory issues
- Several site visits have taken place.
- 93 permits have been issued and outreach has been conducted for each by ACP staff.
- **Average cost for permits is being reviewed and will follow up with this question at the next quarterly meeting.**

Installation Final Determination Location – Greg Kurvink

- [Guidance Document](#)
- As requested on March 9th, the program reviewed the previous determination regarding “Installation” and how it applies to project permitting and notification of demolition projects.

Residential Exemption: Final Determination Location – *Greg Kurvink*

- [Updated Determination Location Document](#)
- A thorough review of “Residential Exemption” and how it applies to Montana has been conducted as per the request made on March 9th. The linked document takes into consideration Rule, Federal Registers, and Applicability Determination.
- ACP revisited the exemption and what it means to stakeholders in Montana. It had legal review and had a determination under the stakeholder discussion as well.

Online Training Announcement – *John Benoit*

- Providers should have received an email that ACP will be extending online deadlines to September. There are proposed technical rule comments being received from trainers. The refresher training is still open and available, currently through the end of September.
- Dan Archer asked if this will be available after September?
 - John Benoit stated that they will consider maintaining this online option beyond September but nothing has been decided as of yet.
 - They evaluate on a regular basis about what makes the most sense given where the pandemic stands.

ACP Software Change – *Amanda Allen*

Applications

- Transitioning from Online Interactive.
- Changing from E Pass to another system called Octa. This will change how logins will operate when getting into applications.
- Login may look slightly different as well.
- If you see errors when getting **into applications, please let Amanda know so that she can work on addressing the problem.**

DEQ Website Change – *Cassie Mann*

- All changes being made should be finished up by the end of next week (June 25, 2021).

Enforcement review – *Chad Anderson, Shasta Stienweden, Enforcement Group (45 Min)*

- Chad, John, and Shasta introduced themselves and provided an update.
- Complaint side of DEQ, there are very few statutes requiring them to go out and deal with complaints. Most often dealing with permitting issues related to enforcement.
- On average, they get about 75 asbestos complaints a year.
- There are about 900 complaints a year
- Split with duties between complaint and compliance.

Q and A

- Attendee: What happens if someone ignores the information provided regarding a complaint.
 - Shasta: Staff will send a letter out, often will contact the County Sanitarian to do a drive by, and DEQ will try to get in the field. It can be challenging to find people. Staff can file a formal complaint.
 - Attendee followed up with concerns about the notes and whether or not they are effective.
- Attendee: Who do you consider the “Owner?”

- Chad responded that they look at it as an Owner/operator and hold them equally liable.
- Attendee: How can we explain to others what their liabilities are
 - The person they contracted with is the officer in many scenarios. It's difficult to say that an architect is misguiding someone. They typically focus on whether there was an inspection done with samples showing that the site is safe. Once that's completed, they sort out culpability.
 - It's uncommon that violation letters are sent to an architect.
 - Attendee: What is the rough percentage of project owners are culpable?
 - Chad stated that tends to be pretty rare. If a contractor cuts corners and does not complete a project the way an owner asked/expected, that issue can be deal with between the two people/entities involved.
 - DEQ looks at who was hired for the inspection, demolition, etc. and was it done correctly.
- Attendee: What is the timeline between getting a complaint and an actual site visit in order to prevent a larger hazard to the community? It often takes weeks between an initial complaint and action taken. How can this process move faster?
 - Outside of an emergency order, DEQ does not have the right to stop work. There must be proof of asbestos.
 - Right now the reality is that there are only about 4 people out and about at one time due to limited capacity/work force.
 - DEQ can handle about 900 complaints a year – Staff used to be double with the same number of complaints coming in.
- Attendee: Wouldn't proof of Asbestos fall within an emergency violation?
 - Not that many sites show exposure so it's very difficult to stop work.
- Attendee would like to take more aggressive action against perpetrators if it's that difficult to demonstrate proof.
 - DEQ does not have attorney support to shut down facilities.
- Attendee: DEQ's goal is to get people into compliance so as long as they do the work to correct the mistake, is the role of DEQ complete?
 - If no asbestos is found after an initial violation,
- Attendee: Inspectors have been complaining about at home demolitions/renovations but trying to figure out how to make a contractor that's not doing what they should be. How can an inspector do to file a complaint?
 - Can file a complaint at: www.deq.mt.gov/reporting; Reporting Line: 406-444-0379
- Attendee: Lot of individual contractors do not know what asbestos is and can get them into trouble.
 - Attendee agrees with this statement in addition to the challenge of having several state agencies overseeing various regulations. Would love to fully understand who to contact when concerns are raised.
 - John Benoit noted the Small Business Ombudsman, John Podolinsky, as a resource for contractors.
- Attendee: Who is responsible for issuing a violation?
 - Chad stated that generally takes place with the programming division.
- Attendee: Does DEQ keep track of contractors who have had issues in the past?
 - DEQ has a database tracking every asbestos complaint that includes corporations, owners, responsible parties, etc.

- This year there have been two repeat offenders.

Goals for Stakeholder Group

Rebecca asked the group what their goals are for this stakeholder group and as it relates to DEQ's role.

- Chad shared that DEQ needs additional authority and workforce in order to address several of the concerns brought forward.
- ACP will begin to provide progress reports and updates prior to quarterly meetings regarding the AAG recommendations.
- Important to capture stakeholder feedback, solutions, and needs.
- Attendee mentioned regional representatives might be helpful to learn more about what's taking place across the state.
- This group can continue thinking about how best to capture work progress to send out to the group.

Other: Future Topics, Feedback – Denise Brunett

Future topics for next quarterly meeting can include:

- Compliance
- Online Training Update
- AAG Recommendations/Progress

Next Steps:

- John Benoit will follow up on permits as it relates to costs and will provide an update to this group at the next meeting.
- John Benoit will look into how long the online training extension will last and whether it will continue to serve as an option.
- Rebecca will work with ACP Staff to consolidate work progress to share with this group at the next meeting.

Tentative Next Meeting:

Tuesday September 14, 2021 as hybrid (In person welcome via request of Denise). Zoom link to be provided.