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Environment

Air & Radiation
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Asbestos NOI

This newsletter is on the MDE web site: <http://www.mde.state.md.us/asbestos>

EDITOR'S NOTES ...

NewsFlash!!!



The *really good news* for Jim **Hourihane**, one of our industrial hygienists; he's made his last run to the door on March 31! Yes, Jim is retired so he will be having lots of fun.

The *really bad news* for us is we stay behind and do all of his work!!



Photo ID card Reminder—When sending in more than 4 people on photo ID card days (1st and 3rd Tuesdays of each month), please **prepay** the fee and submit copies of the certificates, before coming to our office. This will save our office and your employees a great deal of time. For groups of 4 or more, please make an appointment. It is very difficult for us to accommodate large groups without prior knowledge. When sending folks who are not bilingual, please send along a translator. When you do come to our office for the photo ID card, please remember to bring your current, valid certificate so that it may be checked against the copy you submitted to our office.

Please note that the photo ID card fee is \$25 cash, money order, cashier's check or certified check. For this fee the department does not accept personal or company checks. Contact Mardel Knight for the form needed to accompany the money order if sending it to the Department. She may be reached at the phone number or e-mail address to the left.

If you wish to receive a hard copy of this newsletter, please contact Mardel Knight. If you would prefer an e-mail, please provide the address to Mardel at the e-mail address on the left. The newsletter is always on the website by the last day of the quarter.

CONTRACTORS' CORNER ...

It has come to MDE's attention that questions have been raised concerning notification requirements. The following clarifies requirements for National Emission Standard for Hazardous Air Pollutants (NESHAP) projects, the non-NESHAP projects, and those projects in state facilities.

For NESHAP notifications, the notification must be postmarked at least 10 working days before the project begins. The notification is sent to the department and to EPA Region 3. A good rule of thumb for any revisions to a notification is to call in the change as soon as possible and then follow up with the written notification. It would be easier for the department if you would highlight changes. ***When you revise the start date, you still need to notify at least 10 working days before the project begins.***

For non-NESHAP notifications, the notification has to be provided to the department before the job begins. You can fax these notifications to (410) 537-3924. These notifications do not have to be sent to EPA Region 3.

Large facility notifications are granted when the contractor sees a need for doing work at a site for a long period of time. These types of notifications are a privilege and the contractor is required to send in the information concerning the site on a weekly basis. The contractor is not granted a waiver until they have received a letter from the MDE stating the requirements of the waiver. Please do not assume the waiver has been granted. This is true of any waiver; please call if you have questions concerning your particular project.

The same notification requirements are necessary for state buildings as in any other facility. One exception is that floor tile is always considered as friable in state-owned buildings and must be treated as any other project involving friable material. If you have any questions, please call (410) 537-3200 or (800) 633-6101, ext. 3200.

SCHOOLS ...

The EPA has determined that portable classrooms are separate buildings. If the portables are connected to each other or the main school building, these would not be considered separate buildings. The concern is that if a penalty is assessed against a Local Education Agency (LEA), then the number of school buildings becomes important in calculating the penalty. In other words, the more buildings, the higher the penalty in some instances.

Inspectors are finding that these buildings have not been inspected and have no management plan. Remember, too, that when portables are moved, the management plan is supposed to move with it to the new site. This was the agreement major LEAs made in 1988. If you have the portable on your site when the three-year reinspection is due, then that LEA would perform the reinspection. This information needs to be in the headquarters management plan as well as at the local school. Frequently records are missing from the management plans regarding the arrival and departure of the portables.

Designated persons and other officials at schools are aware school inspectors have been very active, covering many schools. The following are common deficiencies that the Department finds in schools, especially in the large school systems or major LEAs.

1.—Missing response action records. This is very common and a big problem for schools because there is no documentation for the current inventory of asbestos-containing building materials (ACBM). If you do not gather all of the required records at the time of the response action, there is little chance 10 or 12 years later that you will be able to get them.

2.—No method for notification. The management plan does not describe how the annual notification will be distributed to staff, teachers, and parents. Remember there are many ways to do this. The goal is to distribute it as widely as possible.

3.—Incomplete management plan. Inspectors have found that the LEA keeps portions of the management plan in one building and other parts, especially the response action records, in another department, in a room down the hall, etc. All of the parts are to be kept together.

4.—Copies of the management plan. The local school must have a copy that is identical to the one at headquarters. Inspectors are finding that this is a serious problem as there are often many differences between the plans. To the surprise of many, the local school may have a more complete plan than headquarters.

5.—Gaps in records. LEAs usually have the very early and the very recent records. The ones in between are missing and may be very hard to find or replace such as the periodic surveillance that occurs every six months. You cannot go back and recreate these records. Recordkeeping is one of the most common deficiencies that inspectors find.

6.—CHARTER SCHOOLS. These schools have to comply with all aspects of Asbestos Hazard Emergency Response Act (AHERA). In Maryland these are public schools. Whether the school is an independent public school, responsible for its

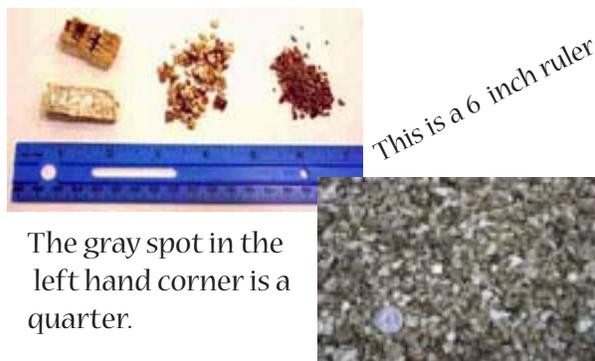
own AHERA obligations; or whether it is one of your "schools" that is your AHERA obligation will depend upon the Charter School Agreement that the LEA made with the schools.

NET NIBBLES ...

EPA has added some new documents to its website at www.epa.gov/asbestos. These may be helpful to schools as well as training providers. The "ABC's of Asbestos" is now in Spanish, the Green Book has been updated, and the Asbestos Action Plan is to go out at the end of this month.

There are two new documents on the EPA Region 2's site: a model management plan and a designated person's self-audit checklist. **The url is <http://www.epa.gov/Region2/ahera/lea.htm>.** Both are very informative, but do not use the forms because you must use the Maryland inspection and management plan forms.

EPA has put out some new pictures of vermiculite ore and insulation.



EPA Region II's website at www.epa.gov/Region2/news/2005 has a news release about a settlement with the Newark, New Jersey Public Schools. EPA and the school system reached a settlement whereby the Newark Public Schools will spend \$2.25 million to **finish identifying and fixing any asbestos-related problems in their schools.**

This means that the LEA will spend this assessed penalty fixing the problems agreed to in the settlement. **They will spend it now as part of the agreement, but the LEA will not pay any additional penalties to EPA.**

TRAINING PROVIDERS ...

The next training provider meeting is scheduled for **Thursday, September 8, 2005** at MDE headquarters in the Test Room, 9:15-Noon.

FROM THE LAST MEETING—Please check the legibility of the letter given to you from Calvin Burnett, the Secretary of Higher Education. Some of the copies are not clear on one side. Check the DVD that was given as well, to make sure it works. The videotape, *Engineering Disasters II*, may be ordered from A&E Home Video. The item code is AH44144. Please make sure that students in the inspector/management classes are advised not to use the forms in the model plan from Region 2. The self-audit checklist appears to be very useful.

STATESIDE ...

Management plans were due September 30, 2004 and there are still plans that have not been submitted!! MDE has noted that some facilities have not been inspected carefully. There are instances where the management plans do not list some of the materials that you have in buildings. Some of this material is deteriorating and needs at least repair, if not removal. Please do not simply copy last year's plan and add a new date. The staff does review these plans. If you need help, please contact either Rebecca MacEwen or Mike Sweeney, staff in the State Employees' Health and Safety Training Program. They can help you with the forms and make a site visit if necessary.

Remember there may be Asbestos Oversight Committee (AOC) money if these areas qualify. But you have to know about them and ask for the money!! You must also have a current management plan on file at MDE as one of the eligibility requirements for AOC money.

Some facilities have expressed interest in having the one-day automotive training on the Eastern Shore at one of the state highway garages or police barracks. This class would be in May or June 2005. If you have some folks who are a year or so away from their retraining date, please think about sending them to this class and not just the ones whose training is expired or about to expire. There is no reason that they cannot attend before their due date. Please call Rebecca MacEwen at 800-633-6101, ext. 3200 and give her the number of people from your facility that would be interested. Consider the travel time that is involved when folks have to travel to Rosewood from the Eastern Shore.

If this is successful, the training group may do this for Western Maryland. Again consider the travel time for your folks. It is more efficient for two training staffers to travel than 25 or 30 trainees. Let Rebecca know if you are interested.

Please remember that all worker, supervisor, and auto classes are held at Rosewood. The rest of the classes are held here at MDE headquarters in the Test Room (TR) (in lobby).

(Note: These classes are for state employees.)

April 2005	May 2005
3/29-4/1 Worker I - Rosewood 7 Suprvisor R -MDE TR 21 Auto Worker - Rosewood	9-13 Supervisor I - Rosewood 19 Worker R - MDE TR
June 2005 2 Supervisor R - MDE TR 9 Auto Worker-Rosewood 14 IMPR - MDE TR	If you must cancel, call Sharon Manger at 410-537- 3200 or (800)633-6101, -3200 or email: smanger@mde.state.md.us