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Published by  
The Asbestos  
Accreditation &  
School Assistance  
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Volume X, No. 1  
December 2003

# Asbestos 101

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

## SEASON'S GREETINGS!

### EDITOR'S NOTES ...

This issue marks the beginning of the tenth year for Asbestos 101!

Fiscal services has asked me to, AGAIN, remind the asbestos contractors and asbestos training providers to send their new or renewal applications and fees to the lockbox. The address is Department of the Environment, P.O. Box 2037, Baltimore 21203-2037. This is quicker and more secure than sending the fees and applications to our Washington Blvd. Address. Make sure the fee is attached to page one of the application and fasten the pages together securely.

The applications also need your workman's compensation policy binder number or a copy of the certificate of compliance with the Maryland Workman's Compensation Act (Environment Article, § 1-202). The application has a space for this number on page one in the upper left hand corner.

Please make sure that the tax identification number that you provide is correct as this will save time. We check for any tax liabilities and if there is any outstanding liability we send you a letter so that you may satisfy the tax liability. See the September 2003 issue for more information.

### SCHOOLS ...

From time to time, we receive complaints from parents or staff that we cannot resolve in our office. It is our policy to send requests for information in a letter via certified mail with a return receipt to the designated person. Normally we give the school 30 days from the date the letter is received to respond to our office. If we do not hear from the school, we may forward these complaints to EPA Region III for further action that could result in a penalty. This has happened at least three times in the past six months.

Charter schools are starting in Maryland now that the charter school bill is in effect. The schools will be associated with the public school systems. If your school system leases space to a charter school, please remember that the school district is responsible for the asbestos inspection and management plan as well as the school. Charter schools are not exempt from the AHERA requirements and will be subject to the same type of enforcement actions that EPA takes against any other public or private non-profit school.

The meetings that were scheduled for October/November are now rescheduled for the following places and dates.

The AHERA requirements will be discussed, and there will be time for questions. These meetings will be useful for new designated persons as well as the more experienced designated persons. Light refreshments will be served. Further information will be sent out in February, including directions.

March 30, 2004 9-12:30	Maryland Department of the Environment
April 1, 2004 9-12:30	Jefferson-Patterson Park Museum St. Leonard
April 14, 2004 9-12:30	Western MD Hospital Center Hagerstown
April 15, 2004 9-12:30	Horn Point Lab. Cambridge

Please visit the EPA website at [www.epa.gov/asbestos](http://www.epa.gov/asbestos). The EPA has posted a number of documents that have been revised and also posted some new ones that may be useful to schools. The Gold Book, Green Book, and the Purple Book are scheduled for revision.

## ASBESTOS FOR ALL ...

In late October, the National Asbestos Conference was held in Virginia Beach. Several topics were discussed. Chief among these was the abysmal rate of compliance with the AHERA regulations for schools nationwide.

The charter schools are one of the groups with a lack of compliance. The reasons for this situation is not clear. It may be the rather limited financial resources of these schools, the problems with startup, or there may not be a concern about asbestos. This lack of compliance is not just the "little church schools", but includes the large public school systems. The situation in Maryland is no different as we have found during inspections and have reported on in previous issues of *Asbestos 101*.

In Maryland, one of the problems has been the failure to replace the designated person. Many schools started out in compliance with AHERA in 1988 and 1989, but the designated person left and was not replaced. Then the management plans were not updated, the notifications were not issued, etc. The AHERA regulations are very clear about having a designated person at all times who has training commensurate with his/her duties.

One of the representatives from Delaware described a method for mastic removal that uses high pressure water jets to blast the mastic and pulls the water/mastic mix through a series of filters and reuses the water. This method is being tested at sites in Delaware and looks promising. However, it not approved for MD yet.

Other products that seem promising are some soybean-based products for mastic removers. These appear to have less odor and have a less toxic formulation than the solvent based mastic removers. If you want more information

on these, please contact me by phone or email. I can refer you to a colleague who has seen these in use and was very impressed by how well the materials worked at removing the mastic.

Enforcement issues were a big topic of discussion. The regulated entities are still busy committing mayhem out there in asbestos land. It seems the likelihood of not getting caught makes for an attitude of business as usual and the bribery situation is active since there are so many opportunities for doing this. However, folks are getting caught and paying large penalties and may spend time in prison.

## **CONTRACTORS CORNER ...**

It is that time of the year again when cold stress can be a problem. Cold stress can be just as dangerous as heat stress to workers that are not acclimated. The OSHA website has a fact sheet on cold stress and laminated pocket cards that you can get for your employees.

Sadly, it is that time of the year for carbon monoxide poisoning when folks try to keep warm at construction sites or may sit in vehicles that are idling. Remember the folks who died during Hurricane Isabel while running their gasoline-powered generators inside the buildings? Any combustion device can be deadly. Carbon monoxide is odorless and tasteless. The early symptoms are sometimes mistaken for the flu!

**NOTIFICATIONS.** The following segment on notifications was written by Jim Lewis and sent to the state facilities, however, it is applicable to other facilities as well and the contractors doing work in any facility. It seems that this issue has been discussed ad nauseum previously, but there are still questions about when the NESHAP quantity has been reached and the 10 day notification must be made.

All entities that are disturbing friable (or about to become friable) asbestos containing materials in quantities greater than 160 square feet, 260 linear feet, or 35 cubic feet must submit a written notification to both the Department of the Environment's Asbestos Licensing & Enforcement Division, AND EPA's Region III Office in Philadelphia. The specific format and required information is included in the regulation. This is the 10 day notification.

State Facilities are NOT exempt from compliance with NESHAP regulations. The penalty clauses under NESHAP allow levelling monetary penalties against both the asbestos contractor and the State facility controlling the building where the violation occurred. This has happened in the past and very definitely will happen in the future should any state agency violate requirements in the NESHAP regulation. In fact, penalties in the future may be more severe since the State has been put on notice that future violations could be considered willful violations.

If asbestos work within a specific building exceeds 160 square feet, 260 linear feet, or 35 cubic feet within one calendar year, a written notification form must be postmarked to the Dept. of the Environment & EPA Region III at least 10 days prior to commencement of any work involving the abatement. The procedure for determining when the 10 day notification is necessary is to sum all of the asbestos work in a building starting on January 1<sup>st</sup> of each year. It does not matter who did the work. Determination of when notification is required is not project based. It is the aggregate of the quantity of all asbestos work done in a building by one or by several different entities. For example, if a licensed asbestos contractor removed 240 linear feet of asbestos in January, and a second contractor plans to remove 35 linear feet of asbestos pipe insulation notification is necessary because the aggregate amount will be 275 lin-

ear feet. Thus, under these circumstances, before the second contractor may remove the 35 linear feet of asbestos, he MUST submit written notification 10 days prior to starting the set-up of the project. To do otherwise is to risk being cited with a civil or administrative penalty.

If in doubt about whether or not the NESHAP quantity has been reached, send in a 10 day notification. Keep in mind that many large buildings may be NESHAP after the first project of the year.

If you are contemplating a waiver of this 10 day notification, think again and very carefully. The main reason for the granting of the waiver is going to be for health effects and not convenience of the owner who failed to figure that a boiler not working in May will need to be fixed before the heating season in the fall!

## TRAINING PROVIDERS ...

Just a reminder that applications and fees must be received no earlier than 90 days before and no later than 30 days before the course approval certificates expire. If it is received later, you may no longer teach that course until the application has been approved. Please check the certificates we send to you for accuracy. You are also notified when the certificates expire. If persons are trained in a course that is not approved, they are technically not accredited!!

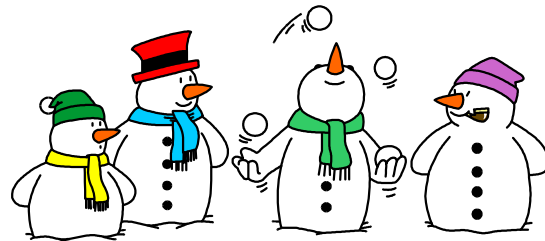
## NET NIBBLES ...

The OSHA web site, [www.osha.gov](http://www.osha.gov), has a checklist that you may use when inspecting your facility for compliance with 29 CFR 1910.1001. Hearings are scheduled in January on the assigned protection factors that are part of the proposed amendments to 1910.134, the respiratory protection standard.

## STATESIDE ...

Read the **CONTRACTORS' CORNER** very carefully. Any penalties will come out of your facility's operating budget. Remember, too, that the state signed a consent order with the EPA that said the state facilities would follow the proper procedures for asbestos abatement. So we are on notice and could receive more severe penalties.

Remind your employees to be on time for training or they will not be allowed to take the class. Remember to provide a copy of the manual for your employees who are attending class at Rosewood. If you are having any difficulties in printing manuals from the CD or opening a downloaded .pdf copy, please call and we can send you one hard copy.



*You can only have this much fun if schools are closed in Baltimore City or Baltimore County due to inclement weather!! Then training classes will be cancelled!!!*

**(These classes are for state employees only.)**

JANUARY 2004	FEBRUARY 2004
NO CLASSES!!	NO CLASSES!!
<b>MARCH 2004</b> <b>4 Worker R</b> <b>18 Building IMPR</b> <b>29-31 &amp; April 1-2</b> <b>Supervisor I</b>	If you must cancel, call Sharon Manger or Janice Lafon at (410) 631-3801 or (800) 633-6101-3801 or email: smanger@mde.state.md.us or jlafon@mde.state.md.us