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of the
Environment

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Management
Administration

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Asbestos NOI

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

EDITOR'S NOTES ...

Summer has arrived and our photo id card business is beginning to boom. REMINDER: The photo ID cards are processed on the first and third Tuesday of each month between 8 A.M. and 9:30 A.M. You do not need to make an appointment UNLESS you are sending in more than four (4) persons. These larger groups will need to pay ahead of time and provide copies of their training certificates. When the fee has been paid and the paperwork is approved, Ms. Sharon Manger will call and set up an appointment for these larger groups.

The processing fee of \$25.00 per person for the photo id card **is not refundable** once we have prepared the photo id cards. We do hold the prepared cards, but once the card have expired it is treated it as a "VOID" and no longer valid.

Social Security Numbers (SSN). As you know all trainees and the walk-in photo ID card applicants must provide a SSN before they may receive the photo id card. This is a requirement under the 1996 Welfare Reform Act whereby states are required to put laws and regulations in place to possibly take away the license of a person in arrears for child support payments.

In March of 2000 at a meeting with the training providers and our attorneys, MDE and the training providers agreed that the training providers would collect a SSN for each trainee. The training provider would make the trainee's address available if MDE asked for it. There was not nor is there now any requirement to check the validity of the SSN. In fact we are not employers and do not have the necessary access to the SS Administration's database to check these numbers.

Over the past few months we have observed what seems to be an inordinate increase in the use of fraudulent social security numbers. Some of the numbers used were numbers that had not been issued, had been issued to dead persons, had been issued to other persons, etc. One of the more disturbing aspects of this discovery was that we found a person with a fraudulent number that he had been using for at least seven (7) years! Obviously a number of employers had not checked his number!

The Department is considering how we will deal with this matter. The problem is that by presenting a fraudulent SSN, the person can be considered as having obtained the photo ID card by using falsified documents. There are a number of possibilities that we may implement and would mean that we do business in a different way. We may require that everyone receiving a photo ID card either from the Department or a training provider, will have to present their social security card so that we may make a copy of it. There are persons who have fraudulent cards with numbers (numbers too high) that have not been issued that we can reject immediately. Trying to determine if a number is a legitimate number that was issued and issued to the cardholder will take longer. We can also check if the number belongs to a dead person. However these things take time so the walk-ins may have to wait longer for their card or they may have to send the paperwork in ahead of time and come in on a later date to obtain the photo ID card.

This is all in the preliminary stages of discussion here at the Department. The Department will notify the stakeholders as soon as we decide what we will do and what you may need to do. These are only some of the things that we may consider doing. No final decisions have been made yet.

SCHOOLS ...

CHARTER SCHOOLS. There are a number of charter schools that opened this past fall. Their status is confusing to some. According to the Maryland State Department of Education (MSDE), charter schools are public schools and are a part of the public school system that approved their application. They are not a separate Local Education Agency (LEA), but are part of an LEA i.e. a school in the system that is simply run differently. Fulfilling the requirements of AHERA seems to be confusing. Some of the confusion results from the charter school

agreement that was crafted in LEA. It seems at this time that most of the LEAs will be taking care of AHERA requirements for the charter schools housed in buildings owned by the LEA. However, the confusing part comes for those that are housed in facilities not owned by the LEA. How this is handled will depend upon the charter school agreement that was reached with these schools. The bottom line is **not** confusing because these schools must comply with AHERA.

For those charter schools that are open and have no management plan at this time, the school is in violation of AHERA requirements. Schools are required to have the inspection, etc. done before the school opens. There are a number of schools due to open this fall and in January of 2007 and need to take care of the AHERA requirements before the school opens. The only time that the inspection does not need to be done before the school opens is if there is an emergency and the school is forced to relocate to another site. Then an inspection must be done within 30 days of the move.

NOTE. The above requirement applies to all schools, not just the charter schools.

SPRING WORKSHOPS. For those who could not attend, there are still course materials available. All of the handouts are on a CD that you may have by asking for it. Call Mardel Knight, (800) 663-6101, ext 3814 or email her: mknight@mde.state.md.us.

MATERIAL SAFETY DATA SHEETS. Just prior to the workshops (the week before), the use of material safety data sheets (MSDS) for meeting AHERA requirements came up. This topic engendered a very spirited discussion at the workshops. The EPA is saying that the MSDS cannot be used for determining the asbestos status of materials being installed in schools. It seems that this is a topic that never really came up in

training, etc. and the MSDS have been used by those schools with exclusions and by those schools that have replaced materials that were removed such as ceiling tiles. Schools have been ordering new or replacement materials by specifying that their procurement sections, specify that there be no asbestos in these materials.

This has been going on for a number of years! The EPA is studying the situation and will issue a determination of how this will be handled. The real "sticking point" will be what the enforcement stance is. There is no question that there will be an enforcement stance, but we do not know what this will involve. It may be prohibition of use of MSDS from now forward or the schools may have to go back and test these items that they used as asbestos-free according to the MSDS. Or these materials will have to be presumed to contain asbestos!

This will prove to be especially difficult for those schools that received exclusions and over the years have replaced ceiling tiles, etc. in the course of repairs or renovation. It will not be an easy solution. Rest assured that as soon as the Department receives the EPA's determination it will be distributed to the schools immediately.

POURED EPOXY FLOORING. One the workshop attendees, Bill Katinowsky, provided the following pictures and information on a material that he ran across in some older schools. These schools were built in the 20's and 30's. It is called a poured epoxy floor. It is a layer on concrete that looks like several layers of paint, but it is a thin layer of material that can contain up to 45% asbestos! When the workers start to remove it, it starts flaking and is obviously friable. He has noted that it can contain asbestos in some rooms and not in rooms right next door in the same building! The picture at the top is from a bag of debris. The next picture shows a spot where it is worn.



ELECTRONIC STORAGE. There is a determination letter available from the EPA that describes what you need to do for converting your AHERA management plans to electronic versions. Please call for a copy or email: mknight@mde.state.md.us for an electronic copy.

SCHOOL INSPECTIONS. As some of you know, our inspectors have conducted and will conduct more inspections at schools for compliance with AHERA regulations. At the time of the inspection the inspectors will give you a certain number of days to correct deficiencies. We will check with you about 5 days before these items are due. The day after these items are due, we will send our inspection report to the EPA. We will note in the final report that you have, if you have, submitted the required corrections. Making the corrections shows cooperation and a good attitude towards compliance. These are

all factors in the determining what the enforcement response may be.

ASBESTOS FOR ALL ...

EPA has issued three letters of determination of applicability for the use of a buffer with an abrasive pad and solvent to remove asbestos-containing mastic. Please go to the website: <http://cfpub.epa.gov/adi/> for EPA's database of determinations. See nos. A40001 and A40002. The third one was issued in December 2005 and has not been posted yet. If you need the third one, please call me and I can email you an electronic copy (.pdf) or fax it to you. It is the EPA's position that the spinning pad causes the mastic to become friable and the solvent only prevents visible emissions. This applies to schools as well as public and commercial facilities. By the way this index contains Clean Air and the rest of the NESHAP determinations, too. It has a good search engine so take a look.

There is also a much more limited index of determinations for AHERA. It is on the Region 10 website at <http://yosemite.epa.gov/r10/owcm.nsf/asbestos/asbestos> and look under guidance for AHERA.

TRAINING PROVIDERS ...

Our next meeting is scheduled for Thursday, September 7, 2006, here at MDE headquarters from 9:30-noon. If anyone has issues they would like to have on the agenda, please call me. Please check the quality of the training provider submittals. The Department has received some submittals recently with dark pictures; fuzzy scans, spelling differences between the MDE 265 and the photo ID card. Remember you are not given credit for delivery until any corrections needed are submitted.

NET NIBBLES ...

For your enjoyment.



One of the world's largest open pit mines in the Tuva state in Russia.



STATESIDE ...

Management plans are due by the end of September 2006. There are many overdue from last year. The asbestos accreditation and school assistance group is working on the Policy and Procedures Manual. This is our summer project! We have also been asked to see where we can, if we can simplify the management plan forms and that we will do, too.

(Classes are for state employees only.)

July 2006	August 2006
NO CLASSES!!!	3 Supervisor R - MDE TR 17 Worker R - MDE TR
September 2006 14 ASHS - MDE TR 20-22 Building Inspector Initial - MDE TR 26-27 Management Planner Initial 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