



Asbestos 101

This newsletter is on the MDE web site:

<http://www.mde.state.md.us/programs/Air/Asbestos/AsbestosNewslettersandBrochures/Pages/index.aspx>

March, 2011

TRAINING PROVIDERS . . .

When submitting corrections, please mark them as corrections. Occasionally we receive corrections that look like full application packages and that causes much confusion as we try to enter it as a new application! ***We only need the corrections; no other parts of the application are needed!!***

For the supervisor, project designer, inspector and management planner classes; please place emphasis on the record keeping that Asbestos Hazardous Emergency Response Act (AHERA) requires. The items are listed in the AHERA regulations at 40 CFR Part §763.93 (b-h) and on our Required Elements Checklist that is on the website under "Asbestos Forms". The recordkeeping requirements are very, very detailed. The contractor needs to maintain certain records and the designated person needs to make sure that these records are part of any contract for work and that copies become part of the management plan.

Many schools and designated persons have forgotten that the Environmental Protection Agency (EPA) interprets the response action schedule in the management plan as the compliance plan for the school's asbestos activities. The EPA could take action based on failing to meet the schedule, especially if there are problems in the buildings. The schedule for response actions may be changed, but this needs to be noted in the management plan.

When you request more blank photo id cards, please tell us how many you have on hand not used and how many have been used, but not sent in yet. We do check to see how many cards you have as you will not be issued another batch of cards if there are a substantial number of cards unaccounted for. Voids are to be returned to the Department as soon as they are voided.

Our next meeting is scheduled for Wednesday, April 6, 2011 here at the Maryland Department of the Environment (MDE) at the MDE Stat room. The time of the meeting is from 10 am to 12 noon. If you have any issues you want us to address at this meeting, please call or email our office with your comments before the meeting.

1800 Washington Boulevard | Baltimore, MD 21230-1720 | www.mde.state.md.us
410-537-3200 | 800-633-6101 | TTY Users: 800-735-2258

Martin O'Malley, *Governor* | Anthony G. Brown, *Lt. Governor* | Robert M. Summers, *Acting Secretary*
Air & Radiation Management Administration

Published by Asbestos Division, Lorraine Anderson, Editor



SCHOOLS ...

The following Common Management Plan Deficiencies for the Year 2010 (EPA fiscal year) with the number of times they were observed in parenthesis are as follows:

- Failed to conduct an AHERA inspection or reinspection. (20)
- Failed to develop a management plan. (21)
- Failed to provide initial or annual notifications to parents/teachers/employee organizations. (12)
- Failed to use accredited workers. (2)
- Failed to notify short term workers. (13)
- Failed to conduct periodic surveillance. (24)
- Failed to maintain records. (40)
- Failed to ensure proper compliance of response action. (21)
- Failed to provide training for the designated person, custodial or maintenance staff. (9)
- Failed to post warnings. (6)
- Failed to qualify for an AHERA exclusion. (19)

We inspected 50 schools during the year and 10 schools were found to be in compliance or came into compliance before the inspection was forwarded to EPA.

In this newsletter, our office has told the owners of nonpublic, nonprofit school buildings that they must have management plans for the schools that lease their spaces. This includes owners such as state facilities, public school systems, and religious facilities.

The private schools in question, received Notices of Noncompliance (NON's). Our inspectors found that a variety of violations had occurred; some schools did not have the current reinspections, a designated person without proper training, and/or no designated person. It can happen to any of you as owners of these school buildings. The EPA will, and in this case did, take action against the schools and the owner. Remember that these schools have to comply with all the requirements of AHERA just like any other public or private school.

Again, I have been asked about preschools. In Maryland, preschool means nursery and kindergarten levels and these **are** covered by AHERA. The AHERA regulations direct a state to look at its definition of elementary and secondary education, which in Maryland is preschool through 12th grade. **Nowhere in the AHERA regulations is there a mention of K-12 grade levels!**

CONTRACTORS' CORNER . . .

(Tim O'Hare, Section Head, Asbestos Licensing & Enforcement Section)

The Asbestos Licensing & Enforcement Section would like to welcome our new inspector, Donna Ward. She will be an asset to the Section and looks forward to receiving your fullest cooperation.

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EPA from time to time makes Determinations of Applicability regarding the NESHAP, and these must be adhered to just as 40 CFR 61. In an effort to keep the regulated community up to speed and out of trouble, I'll discuss some selected Determinations in this and following issues of Asbestos 101.

Here's an EPA determination from 2005.

Q. Could EPA clarify ...whether the regulatory threshold of 260 linear feet applies to other materials ... such as caulking or roof flashing?

A. EPA explains that the regulatory threshold of 260 linear feet is only applicable to pipes. Other materials, such as caulking or roof flashing, would be subject to the 160 square foot standard.

It follows that this would also apply to seam sealant, window glazing, etc. Therefore, don't subject yourself unnecessarily to NESHAP constraints.

Here's one from 1991, about the time I got in this business, regarding VAT removal with infrared heaters.

"The use of infrared heaters on floor tiles is not likely to damage the tiles such that it becomes subject to the NESHAP." However, if the mastic's positive, and you use buffers to remove it, that *is* subject to the NESHAP. Theoretically, you could notify 10 days before mastic removal, but up 'til that time you could remove all the VAT you want with infrared.

Next issue, more about mastic.

STATESIDE...

Management plans for state facilities were due on September 30, 2010. If you have not sent in your plan, or the corrections, please call your inspector and let them know a date when you will have the management plan done.

STATE EMPLOYEE TRAINING CALENDAR

These classes are only for state employees.

April 2011		May 2011	
13 27	Worker Recert – Aqua Conference Room Auto Worker- Terra Conference Room	18	Inspector/Management Planner Recert - Terra Conference Rm.
June 2011		July 2011	
NO CLASSES		13 20	Worker Recert – Aeris Conference Room Auto Worker- Aqua Conference Room

If you must cancel your scheduled training, your supervisor must call Sharon Manger at 1-800-633-6101 ext. 3200 or e-mail smanger@mde.state.md.us

Anyone interested in being added to our list for the newsletter, please e-mail Larry Vermont at lvermont@mde.state.md.us or call at 410-537-3200 to get the newsletter mailed.

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