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Air & Radiation
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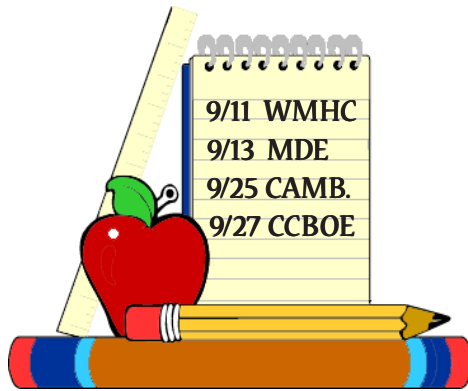
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Asbestos 101

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

EDITOR'S NOTES ...

SEPTEMBER 2007 WORKSHOPS



<u>DATES</u>	<u>WHERE?</u>
9/11	Western MD Hospital Center – Hagerstown, 9 AM-4 M PM
9/13	MDE HQ – Baltimore, 3 PM – 8 PM, LATE AFTERNOON/EVENING ONLY
9/23	Horn Point – Cambridge, 9 AM-4 PM
9/27	Charles County BD of Education - La Plata, 9AM-4 PM.

Registration Deadline is 8/31/07.

FREE FREE FREE HELP!

Providing asbestos documentation assistance to the small schools has been a challenge for this agency. Come to our workshops! We are offering four dates as a chance to bring your asbestos documents to a free workshop at any one of the four locations. Don't worry - we want to make it easy for you to comply - these workshops will not trigger an inspection of your school. Our experts are here to help and to sit down with you, one-on-one to go over your documents and help you bring them up to date and answer any questions you may have about satisfying the asbestos requirements. This is particularly helpful to those schools who have done nothing yet. We will provide forms, copies of the regulations, and other publications to assist you. There will be no formal presentation at the workshops, just assistance focusing on small schools.

It is time to get caught up, or see what may be missing from your asbestos folder! The school asbestos staff are accredited inspectors and management planners. Please go to the website at www.mde.state.md.us/asbestos under Related Materials for address and directions to each workshop. Please note that the only evening session is at MDE from 3-8. We are trying to assess these times as better fit for school personnel at the small schools. We do ask that you register and indicate what time you wish to come. It is free (includ-

ing free parking) and only need registration information to have an idea of the number of attendees. If you cannot make it on the day the you have signed up for, please attend another workshop. Light refreshments will be served. **Registration deadline is 8/31/07.**

If you have not registered and find that you can come, please do so. We will mail reminders out around the first of August. The information and registration form for the workshops are posted on our website. Bring whatever you have with you, we'll go over it and make a list of the items that you need for your plan what you need to submit to MDE.

Mail the registration form to Mardel Knight, email it to her at mknight@mde.state.md.us, fax it to 410-537-3924, or call Mardel Knight at 410-537-3200 or 800-633-61-1, ext. 3200. Be sure to provide an email address or phone number if you want an acknowledgment of your registration. Bring something to read in case you have to wait a few minutes.

SCHOOLS ...

The Asbestos Hazard Emergency Response Act (AHERA) regulations finalized on October 30, 1987 have not changed! The regulations are almost 20 years old and we still find schools that have been in existence for that long or the new ones that seem to have no knowledge of their responsibilities under AHERA.

The **"Dirty Dozen"** or the reasons that schools use to explain why there is no current updated management plan.

1. Never heard of asbestos or AHERA.
2. For Profit, but never filed a letter with us. We do check the tax id number with the IRS to make sure the school is not registered as a not for profit entity.
3. Eligible for an Exclusion, but never filed one with us. These are for the school buildings that were completed after October 12, 1988 and need an exclusion package.
4. Submitted a management plan in 1988-89 and did nothing further.
5. Lost management plan.
6. Made an attempt at compliance, but records are spotty.
7. Those who knew about asbestos have moved on...retired, died, or changed jobs in the organization so all asbestos activities stopped.
8. Moved to a new location and thought they only had to create a management plan once.
9. Thought the AHERA requirements were no longer valid since they had not been inspected by MDE.
10. Had heard that asbestos is banned and is no longer a problem.
11. Don't own the building.
12. Registered with the Department of Education as a school, but never opened the school or opened school and current staff is unaware that the facility is registered as a school.

None of these are sufficient reasons for noncompliance. Even the schools newly registered with the Department of Education (MSDE) receive a letter listing MDE as one of the agencies that receives a copy of the registration letter.

A number of schools that satisfied the original AHERA requirements by submitting a management plan in 1988-89, may have NOT UPDATED the management plan since the original inspection. **Even if there was no asbestos found at the time of original inspection, or it has been removed since then, there are still requirements for further school documentation.** This may be as simple as designating a person to provide an annual notification to parents, staff, and teachers about the inspection/management plan.

COST REDUCTION. When an inspection or reinspection is required, there are some actions a school can take before inspection to reduce costs.

1. Get several estimates.
2. Ask for references.
3. Provide a simple diagram, drawn to scale, for all buildings at the school.
4. Measure the rooms so the inspector can easily determine the size of homogeneous area e.g. floor tile, ceiling tiles.
5. Make sure there is someone who will accompany the inspector on the day of the inspection, can answer questions, and has keys to the building and all doors.
6. Make sure that the contract requires the inspector/management planner to make corrections at no cost to the school.
7. Whenever possible, hire an inspector/management planner who can perform all of the AHERA requirements.

When your management plan is completed, send a copy to our office for review.

This is only for the first management plan. After that, no updates or reinspections are required to be sent to our office.

CONSENT AGREEMENT & FINAL ORDERS

(CAFO). These are normally issued as a result of negotiations between the EPA and an LEA, and are final. Prior to the CAFO, the LEA had been issued a Notice of Noncompliance and a Request to Show Cause. (NON & RSC) The most recent CAFOs issued to Maryland schools since January of 2007 are the following:

1. 1/25/07 Maryland School for the Deaf in Frederick. The counts include a failure to conduct the 3-year reinspection and failure to provide the annual notification to parents, staff, and teachers. There penalty was zero dollars (\$0) since the school has spent more in correcting the violations than the penalty.

2. 3/27/07. Norbel School, Inc. The counts include a failure to prepare a management plan for a building used as a school and submit it to the Department. The school also failed provide the required annual notification to parents, staff, and teachers. The penalty was \$1547, but the cash component of the penalty was zero dollars (\$0) as the school had spent more in making the corrections than the penalty.

3. 5/11/07. Washington Church of the New Jerusalem, Inc. The counts included failure to conduct the 3-year reinspection and to make the annual notification. The civil penalty was \$6500, the cash component was \$3546 so the assessed penalty was \$2954 to be paid by the school.

4. 6/11/07. Cedar Grove Preschool. The counts included failure to inspect the building before it was used as a school,

failure to submit management plan to the Department, and provide the required annual notification. The cash component of the penalty was zero dollars (\$0).

For these CAFOs, the schools have not admitted or denied any wrongdoing. The EPA has not alleged that any exposures occurred because of these violations. The schools has also asserted that they are in compliance with the AHERA requirements in their facilities.

Most of the schools that MDE has inspected received violation notices, either a Notice of Noncompliance (NON) or a NON & RSC. The NONs do not have a penalty component, but the school must make the corrections within 30 days and certify to the EPA in writing that the corrections have been made.

The determination of the penalty amounts, violations that have penalties attached, etc. can be found in the EPA's *Interim Final Enforcement Response Policy for the Asbestos Hazard Emergency Response Act* dated January 31, 1989. It has been adjusted for inflation (40 CFR Part 19). If you need a copy, please ask Mardel Knight for one.

TRAINING PROVIDERS ...

The next training provider meeting will be at MDE, September 6, 2007, from 9:30 to noon. It will be in the same room.

The Department has the option of asking that a class be videotaped. (COMAR 26.11.23.C(3)). This is not reserved just for out of state training providers so don't be surprised when Larry Vermont calls and asks that you tape a class. There is no need

to hire a professional videographer. Larry will give you a few days notice to set things up. He will also explain what we need to see on the tape.

On the applications, please list all of the courses in that submittal on page one. **Please do not provide a separate page one for each course.** You also do not need to pay for each course separately, the fees may be combined into one check. As long as you send the page one, properly filled out, with the check to the lockbox there will be no problems for you or us.

NET NIBBLES ...

Visit OSHA's website (www.osha.gov) for information on heat stress and carbon monoxide poisoning. Both may be deadly. With higher daily temperatures personnel who work outside now may not be properly acclimated, and suffer sun and heat complications and dehydration.

Carbon monoxide is a killer that is not just a winter problem. Many businesses and homes have installed generators in case of electrical failure. If not properly vented, these generators emit a colorless, odorless gas that causes illness and death.

STATE EMPLOYEES' TRAINING CALENDAR

<p>JULY 2007</p> <p>17 SR - MDE</p>	<p>AUGUST 2007</p> <p>2 A S&H S - MDE</p>
<p>SEPTEMBER 2007</p> <p>5 WR -MDE 18-21 W-ROSEWOOD</p>	<p>If you must cancel, please call Sharon Manger at 800-633-6101, -3200 or email smanger@mde.state.md.us</p>