Asbestos Program Merger

Ohio EPA
and
Ohio Department Of Health
Proposal to Combine Programs

• The proposal was included in House Bill 49, the SFY17-18 Biennium Budget
• Passed in July 2017
• The portion of law regarding the program merger is effective Jan. 1, 2018
What does the merger really mean?

- All aspects of the ODH Asbestos Program will be transferred to Ohio EPA.
- ODH staff will be transferred to Ohio EPA.
- ODH’s electronic system for notifications and licensing/certification will be replaced with an Ohio EPA electronic system in phases.
ODH - Current Program Functions
Transferring to Ohio EPA

• Licensing of contractors
• Certification of individuals
• Approval/Auditing of training courses
• Processing notifications of asbestos projects
• Inspections of asbestos projects
• Enforcement of ODH asbestos rules
Ohio EPA Asbestos Program

• Designed around the U.S. EPA NESHAPS
• Receive notifications for:
  – Renovation projects
  – Demolition projects
• Inspection of projects - whether notification states asbestos or not
• Enforcement of Ohio EPA rules/NESHAPS
Main Preparation Activities

- ODH rules moving to Ohio EPA
- Business process development
  - New combined and centralized notification program
  - Combined inspections
  - Align ODH practices with Ohio EPA’s & vice versa (policies and conflicting rule interpretations)
- New software under development (Will happen in phases)
- Temporary use of ODH software at Ohio EPA
  - Issue certifications & licenses
  - Rebranding
- Communication plan
- Training for staff
ODH Asbestos Program currently has 7 positions which will be transferred to Ohio EPA:

- Manager
- Program Sanitarian II- Assists with notifications, software, inspections
- Program Sanitarian II - Training course auditor
- Social Services Licensing Specialist
- Field inspectors (2) - one vacant, one will be ending service in November
- Customer Service Assistant II – Notifications, currently vacant
Rules

• Licensing rules will go into OAC Chapter 3745-22. OAC Chapter 3745-20 will remain the same. (Statute for licensing will remain as Revised Code 3710.)

• Rules have been revised to address conflicting definitions and/or requirements. Other issues will be addressed as policy decisions.

• On schedule for January 1 effective date.

• ODH rules on schedule for January 1 rescind.
Certifications of Individuals & Licensing of Contractors

All functions will be performed by DAPC Central Office staff

- Receive and process applications
  - Applications are submitted electronically and hardcopy
- Fees processed by DAPC Central Office Staff
  - Checks processed and accounts reconciled
- Approve/Generate/Mail licenses

5,500 per year
Approval/Auditing of Training Courses

After merger:

• All functions will be performed by DAPC Central Office staff
• Receive and process applications
• Fees & checks processed by DAPC Central Office Staff
• Approve/Generate/Mail approvals
• Audit approved courses
• Receive notification prior to training course
• Receipt of training roster
# Approved Training Courses
as of August 2017

<table>
<thead>
<tr>
<th>Training Course</th>
<th>Initial</th>
<th>Refresher</th>
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<tbody>
<tr>
<td>Asbestos Hazard Abatement Worker</td>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>Asbestos Hazard Abatement Specialist</td>
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<td>8</td>
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<tr>
<td>Asbestos Hazard Evaluation Specialist</td>
<td>3</td>
<td>5</td>
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<tr>
<td>Asbestos Hazard Abatement Project Designer</td>
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<td>3</td>
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<tr>
<td>Asbestos Hazard Abatement Air-Monitoring Technician</td>
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<td>0</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>15</strong></td>
<td><strong>24</strong></td>
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</table>
Receive Notifications of Asbestos Projects

Currently ODH and Ohio EPA:
- ODH receives and processes notifications and ODH Fiscal receives and processes checks for fees for asbestos abatement projects >50SF/LF of friable ACM.
  - Submitted via mail or online system.
  - Collect fees first before notification review.
- Ohio EPA notifications are submitted to the DO/LAA.
  - Notifications are entered into ANTS.
  - Billed by DAPC CO after the project is complete.

After merger:
- All notifications (Licensing and NESHAP) and fees will be submitted to and processed by DAPC Central Office Staff on a combined form.
  - Submitted via online system or mail.
  - All initial notification fees charged upon submission; revised amounts billed after all project(s) completed.
  - District staff and LAA staff will have access to notification information via the Central Office database.
Asbestos Hazard Abatement Project Notifications

<table>
<thead>
<tr>
<th>Project Notifications</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td># of ODH Asbestos Notifications</td>
<td>3,357</td>
<td>3,551</td>
<td>3,601*</td>
</tr>
</tbody>
</table>

# of Ohio EPA NESHAP Notifications: ~6,200 in 2016

- ODH started online notifications in October 2007

* Of the 3,600 filed in 2016, approximately 1,500 were over the ODH threshold of 50 SF/50 LF, and under the 160 SF/260 LF

Estimating approximately 8,000 notifications per year after January 1

![Ohio Environmental Protection Agency logo]
Notifications

Following the merger:

– The completeness/administrative review
  • Electronic submission – Q/A built into the software and conducted by DAPC CO staff
  • Hard copy entry – Q/A will take place as it is being entered by DAPC CO staff

– Revised notifications
  • Revisions will be submitted electronically or hard copy to DAPC CO

– Notifications submitted to the DO/LAAs
  • In the beginning, DAPC will work with the DO/LAAs to ensure notifications get to DAPC CO so that project start dates are not delayed
  • Customers will be notified of the new process and where to submit information
  • Eventually, checks and notifications submitted to DO/LAAs will be returned to the owner/operator/contractor
Notification Fees

• The fee structure (amount) has not changed for the ODH and Ohio EPA asbestos programs.
  • $65 for licensing notification
  • $75 plus RACM and/or clean-up for NESHAPs
• Changes you will see:
  • $75 for demolitions without asbestos
  • $75 per notification of an installation (more than one building)

Changes to the Ohio Revised Code allow for us to collect our Ohio EPA fees upfront; addressing the issue of owners/operators not paying.

• A payment will need to be submitted with a notification in order for the notification to be processed and approved.
• Fees will be calculated automatically based upon the information submitted in the notification.
• Submit online!!!!
Inspections of Asbestos Projects

Currently:

• ODH inspects notified projects (and complaints) for compliance with ODH licensing rules.
• DOs/LAAs inspects for compliance with NESHAPs requirements.
• ODH inspection forms completed using electronic device.
• ODH data automatically populated into database (.pdf automatically emailed to contractor at conclusion of inspection).

After merger:

• Inspections of notified projects (and complaints) will be for compliance with both ODH licensing rules. NESHAP rules will primarily be conducted by the DO/LAAs.
• Electronic inspection process can be used by DO/LAAs.
  • Inspections can be conducted using hard copy inspection forms.
  • Until inspection component of the software system is developed, we will be using hard copy inspections forms.
Ohio EPA Inspector Training

- Inspectors will be trained on how to conduct both Licensing and NESHAP inspections.
- The training will involve classroom as well as in field training.
  - 5-day supervisor training course
    - Includes OSHA requirements
- Everyone will be trained before January 1!
Environmental Health Emergencies

• The declaration of an environmental health emergency will be an action of the Director of Ohio EPA
  – Involves DO/LAA in conjunction with CO to determine circumstances which constitute an environmental health emergency that would authorize the director to issue an emergency order
  – The Director’s declaration letter issuance will not be delegated to the DOs/LAAs

• The process may include:
  – DO/LAA staff training to identify environmental health emergencies
  – Any potential emergency will be referred to key staff
  – The emergency will be referred to DAPC CO to work with Legal for immediate action
Enforcement

After merger:

• Ohio EPA will have the ability to revoke and suspend licenses for violations of OAC Chapter 3745-20 and OAC Chapter 3745-22
  • If we decide to go down this route with an individual or company, the action may go in front of a hearing examiner at Ohio EPA

• We can also issue Findings and Orders and refer to the AGO
New Asbestos System

• New software is being developed which will:
  – Allow electronic submission of all forms (including corrections & revisions)
    • Via eBusiness Center
    • Electronic payment required
  – All submitted info accessible to CO/DO/LAA staff
  – Allow the continued use of in field electronic inspections

• Timeline for new system:
  – January 5 - online combined notification form in eBiz & internal
  – March 31 – Inspections
  – Summer - certification, license, training, letter generation
Outreach to the Regulated Community

- Web pages updated
- Email & hard copy letter to customers
- Email updates as milestones approach
- December 5 - Landbank webinar on program merger
- December 6 - Webinar on program merger
- December 13 - Webinar on notifications
Timeline

• Dec. 21 – ALL hardcopies to be sent to Ohio EPA - CO
• Dec. 26 – ODH staff report to Ohio EPA
• Jan. 1 – Ohio EPA begins all regulation of asbestos program
  • All ODH letters & forms become Ohio EPA
  • ODH ePay goes to Ohio EPA accounts
• Jan. 3 – ODH online project notification system will be retired. All remaining functions of ODH’s online submission software will not be affected. Online applications for training, certifications and licenses as well as training notifications can continue through ODH’s software until summer 2018.
• Jan. 5 – Ohio EPA is releasing the first phase of our new online asbestos software! The new merged notification form available will be available on the eBusiness Center. To use this system you will need to create an account. In order to submit a notification form you will also need a PIN that represents your personal signature. Plan ahead and get yours now!
• Summer 2018 – We will finish the transition of moving all online asbestos-related business to Ohio EPA’s eBusiness Center this summer. More information will be sent to customers and this webpage will be updated.
Questions?