

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

Personnel

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

Table of Organization Changes

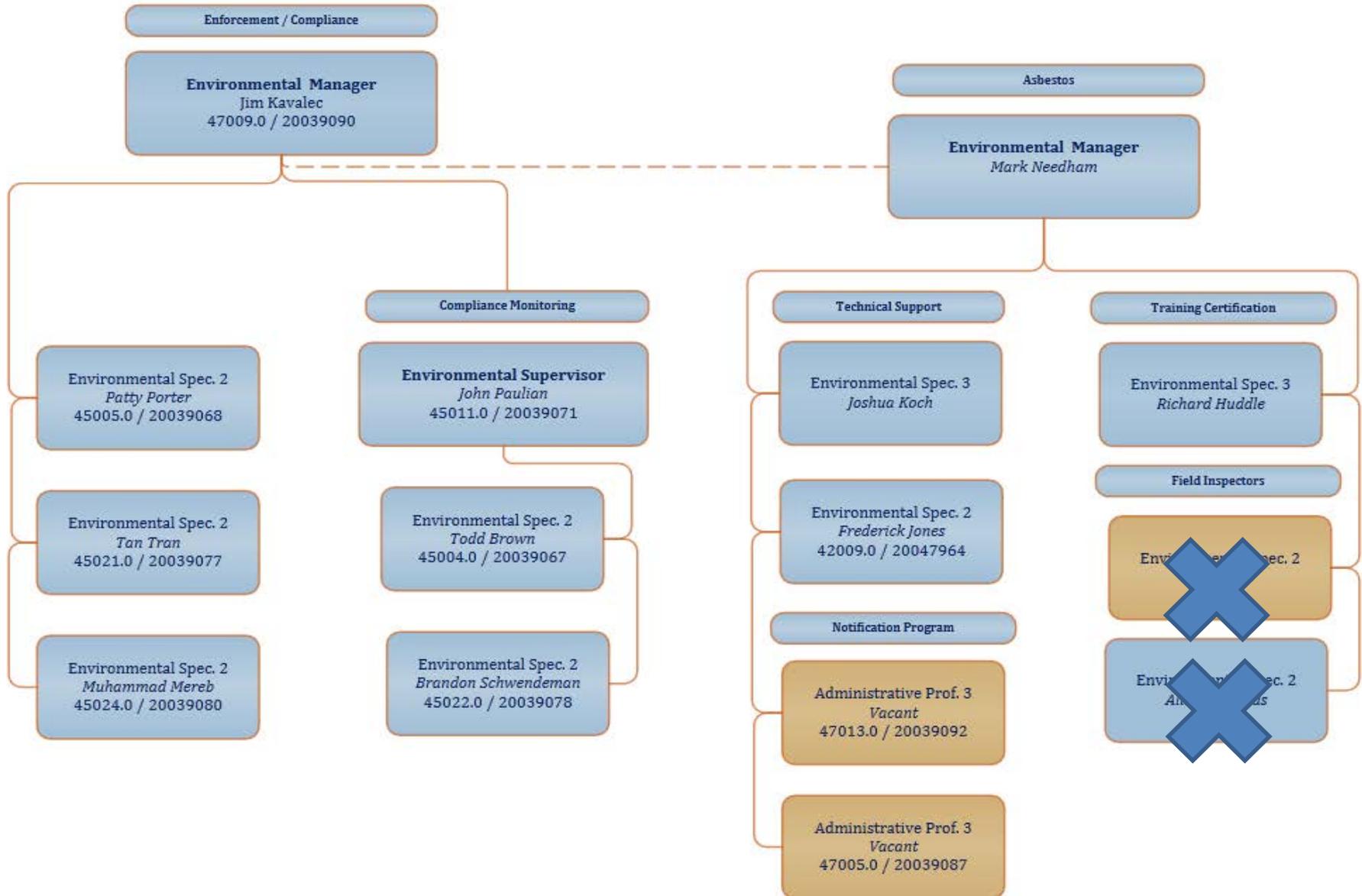
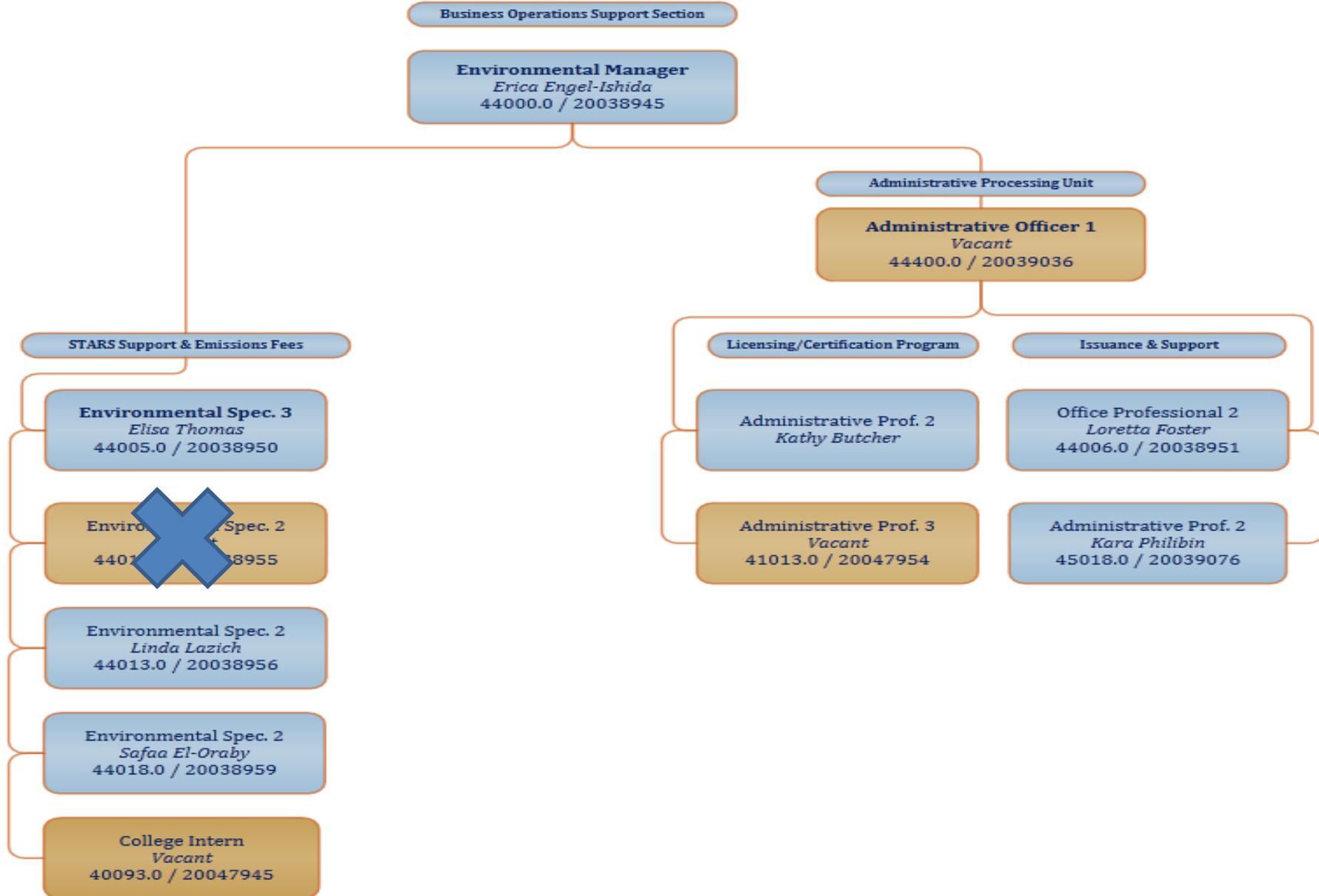


Table of Organization Changes



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

Training Course	Initial	Refresher
Asbestos Hazard Abatement Worker	5	8
Asbestos Hazard Abatement Specialist	6	8
Asbestos Hazard Evaluation Specialist	3	5
Asbestos Hazard Abatement Project Designer	1	3
Asbestos Hazard Abatement Air-Monitoring Technician	0	0
Total =	15	24

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

Project Notifications	2014	2015	2016
# of ODH Asbestos Notifications	3,357	3,551	3,601*

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

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?