

Hearing Summary

Rule Package: ERF Package 188195, Ohio Asbestos Licensing Rules Language Update

Original filing date: 9/1/2020

Public comment start date: 9/1/2020

Public comment end date: 10/9/2020

Public hearing date: 10/9/2020, 10:30 AM, Held Virtually

List of Rules: OAC Rules 3745-22-01 to 06, 3745-22-08, and 3745-22-09o

Were there any participants in this public hearing beyond Ohio EPA staff or JCARR staff?

☒ Yes

☐ No

Were there comments received during the public comment period outside of those presented at this hearing?

☒ Yes

☐ No

This hearing summary has been compiled to meet the requirements of Section 119.03 of the Revised Code.

This hearing summary includes this cover sheet and the following attachments:

1. **Attachment A** - A copy of the public notice for this hearing.
2. **Attachment B** - A copy of the sign-in sheet for this hearing.
3. **Attachment C** - A copy of the script read into the record to begin and end the hearing.
4. **Attachment D** - A copy of the response to comments.

Ohio EPA's response to comments document includes the comments received, who commented, the agency response to comments, and a statement of whether or not the rule was changed due to the comments.

Ohio EPA digitally records all public hearings for rules. The digital recordings are available upon request in a WAVE (.wav) file format. These recordings may be sent out for transcription if necessary.

Public Hearing Notice
Proposed rule language for Ohio Administrative Code (OAC) Chapter 3745-22
“Asbestos Hazard Abatement Contractors, Specialists & Other Professionals”
Amended Rules

Notice is hereby given that the Director of Environmental Protection, under the authority of Sections 3710.02 of the Ohio Revised Code and in accordance with Chapter 119, proposes to amend the following rules of the Ohio Administrative Code:

Rule #	Title:
3745-22-01	Definitions
3745-22-02	Prohibitions
3745-22-03	General application procedures and provisions for contractors, specialists, designers, air monitors, and workers
3745-22-04	Contractor application requirements, criteria, and standards of conduct
3745-22-05	Asbestos hazard abatement specialist application content, qualifications, standards of conduct
3745-22-06	Asbestos hazard evaluation specialist application content, qualifications, standards of conduct
3745-22-08	Asbestos hazard abatement worker application contents, qualifications, standards of conduct
3745-22-09	Asbestos hazard abatement project designer application content, qualifications, standards of conduct

These rules are part of the Ohio EPA Asbestos Licensing/Accreditation Program. The amendments will allow Ohio EPA to apply to U.S. EPA for approval of our asbestos licensing program and demonstrate how our program meets the requirements found in the “Asbestos Model Accreditation Plan” 40 CFR part 763, Appendix C to Subpart E.

Pursuant to Section 121.39 of the Ohio Revised Code, DAPC was required to consult with interested parties affected by the rules before the Division formally adopts them. On March 17, 2020, these rules went out for a 30-day review by interested parties. No comments were received.

Ohio EPA will be holding a virtual public hearing on the proposed amended rules on **Friday, October 9, 2020 at 10:30 AM**. The meeting will be held exclusively online. During the virtual hearing the public can submit written comments that will be read into the record by the hearing host. The virtual hearing may be accessed through Ohio EPA’s website at: <http://epa.ohio.gov/virtual>.

The rules and associated documents are available on DAPC’s Web page for review and electronic downloading. The URL is: <http://epa.ohio.gov/dapc/DAPCrules.aspx>. Please see the information under the “proposed rules” tab.

Written comments may be submitted during the virtual public hearing. Additionally, written testimony can be emailed to the attention of Paul Braun at Ohio EPA, (614) 644-3734, paul.braun@epa.ohio.gov, or mailed to Jeff Beattie, Ohio EPA, Division Air Pollution Control, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049.

All comments received at the virtual hearing or via email by close of business on October 9, 2020, will be considered by Ohio EPA prior to final action on this rulemaking proposal. Written comments submitted after this date may be considered as time and circumstances permit.

Event Name : Proposed Rules, Asbestos Hazardous Abatement Contractors, Specialists & Other Professionals

Event Date: October 9, 2020

First Name	Last Name	Email	Registered	Attended	Title	Company	Phone
Doug	Myers	doug_myers@cargill.com	Yes	No	Environmental Advisor	Cargill Inc.	1-
Sara	Vogelpohl	svogelpohl@ttlassoc.com	Yes	Yes	Industrial Hygienist	TTL Associates, Inc.	1-419-214-5090
Darshan	Desai	darshand80@yahoo.com	Yes	Yes	Darshan J Desai	Langan Engineering & Environmental Services, Inc.	1-7325017058
Brian	Hina	bhina@hinaenvironmental.com	Yes	No	Brian Hina	Hina Environmental Solutions, Inc.	1-6142728780
Rick	Paul	rpaul@structurepoint.com	Yes	No		American Structurepoint	1-614-901-2235
Whitney	Paterson	wpaterson@jcarr.state.oh.us	Yes	Yes			1-
Chad	Melick	cmelickwgc@gmail.com	Yes	Yes	Chad Melick	Watson General Contracting	1-7408918919
Bounsly	Keohaname	bkeohaname@hinaenvironmental.com	Yes	No	Project Manager	HINA Environmental Solutions	1-6149460915
Jim	Meyers	jmeyers@centralinsulation.com	Yes	Yes	Sr. Vice President	Central Insulation Systems	1-15133106607
Bradley	Bumpus	brad@lepienterprises.com	Yes	Yes	Bradley Alan Bumpus		1-7404532980
Robert	Matthiesen	encheck@sbcglobal.net	Yes	Yes	Robert Matthiesen	EnCheck	1-9376717271
Laureli	Wagner	lwagner@sbcc-us.com	Yes	Yes		SBCC	1-7027383814
Janice	Fry	fry.71@osu.edu	Yes	Yes	Environmental Compliance	The Ohio State University	1-6146203288
Holly	Rodak	holly_rodak@clevelandwater.com	Yes	Yes	Environmental Compliance Officer	City of Cleveland DPU	1-330-244-7521
Charles	Callahan	ccsierra@fuse.net	Yes	No	Charles F Callahan	Sierra Environmental Group	1-5132002921
Nicole	Roszell	opsadmin@centralinsulation.com	Yes	Yes	Operations Coordinator	Central Insulation Systems, Inc.	1-513-242-0600
Greg	Fouche	gfouche@jcarr.state.oh.us	Yes	Yes		JCARR	1-
Mark	Karaffa	mark.karaffa@powereng.com	Yes	No	Certified Industrial Hygienist/Sr. Project Manager	POWER Engineers Inc.	1-513-312-7459
Kurt	Boyer	kboyer@ctleng.com	Yes	No	Environmental Scientist	CTL Engineering	1-614.592.4999
Shane	Holstein	sholstein@hinaenvironmental.com	Yes	Yes	Project Manager	Hina Environmental Solutions	1-6142728780
Brian	Walker	bwalker@hinaenvironmental.com	Yes	Yes	Project Manager	Hina Environmental	1-614-314-0142
Ronald Jackson	Jackson	afcase2004@yahoo.com	Yes	Yes	President	The Afcase Group LLC	1-440-336-7178
Lisa	Quiring-Stefanowicz	lisa.quiring@abmechllc.com	Yes	Yes	Safety Director	ABMECH Acquisitions, LLC/Matthews Wall Anchor	1-4124627440
Michelle	Wolff	michelle.wolff@aecom.com	Yes	Yes	Sr. Geologist/PM	AECOM	1-2166222344
Jennifer	Mester	jennifer_mester@clevelandwater.com	Yes	Yes	Environmental Regulatory Compliance Manager	Cleveland Department of Public Utilities	1-
Chris	Belcher	cbelcher@pinnacleinc.biz	Yes	No	President	Pinnacle Environmental Consultants, Inc.	1-5135331823
Wayne	Ingram	wingram@tsitraining.com	Yes	Yes	Wayne K Ingram	Training Services International, Inc.	1-4409421200

DAPC Asbestos Proposed Rules

October 9, 2020

TURN ON PRESENTER RIGHTS UP TOP AND TO THE RIGHT

START RECORDING

Hello and welcome to Ohio EPA's virtual public hearing regarding Division of Air Pollution Control proposed rules. My name is Mary McCarron and I'm hosting today's public hearing. With me online from Ohio EPA are Paul Braun and Mandi Payton. I'd like to note that we are recording this hearing. We will save all comments submitted during the hearing.

Before I start, I have a couple of tips about the technical end of today's hearing:

- 1) You should see a floating control panel on your screen in the WebEx app. During the event, the sound may fade in and out due to your internet connection. If you experience problems with the sound during the hearing, either wait a moment or two to see if it is restored or, using the icon on the floating control panel, close or disconnect from the audio portion of the presentation, then reconnect to restore the audio.
- 2) Please use the chat feature to report or receive assistance with technical issues.
- 3) Please also use the chat feature to submit comments during the hearing.

PUBLIC HEARING SPEECH

Thank you for taking time to attend this hearing before Ohio EPA. The purpose of the hearing today is to obtain comments from any interested person regarding Ohio EPA's proposed rules.

Ohio EPA Division of Air Pollution Control is proposing to amend the following rules of the Ohio Administrative Code: 3745-22-01 through 3745-22-06 and 3745-22-08 and 09.

These rules are part of the Ohio EPA Asbestos Licensing/Accreditation Program. The amendments will allow Ohio EPA to apply to U.S. EPA for approval of our asbestos licensing program and demonstrate how our program meets the requirements found in the “Asbestos Model Accreditation Plan” 40 CFR part 763, Appendix C to Subpart E.

These rules have been filed with the Joint Committee on Agency Rule Review. Copies of the rules are available for public review on our website.

All interested persons are entitled to attend or be represented, and to present written comments concerning the proposed rules. All written comments received as part of the official record will be considered by the director of Ohio EPA.

To be included in the official record, written comments must be received by Ohio EPA by the close of business, today, Oct. 9, 2020. These comments may be typed into the chat today or emailed to paul.braun@epa.ohio.gov. All emailed comments submitted for the record receive the same consideration as typed testimony given today.

Written statements submitted after today may be considered as time and circumstances permit but will not be part of the official record of the hearing.

This hearing affords citizens an opportunity to provide input. Therefore, we will not be able to answer questions today.

YOU MAY NOW SUBMIT COMMENTS IN WRITING. I will read aloud any comments we receive in the hearing chat. I will keep the chat open until 11 a.m. to provide time for participants to type in comments.

CLOSING

We will close the hearing. After the hearing closes, we will accept written comments through 5:00 p.m. today. You can send those comments to the email address on the screen.

Thank you for your comments, cooperation and participation in Ohio EPA's decision-making process. The time is now _____ and this hearing is concluded.

CAPTURE CHATS AND Q&A



Division of Air Pollution Control Response to Comments

Rule: OAC Ch. 3745-22, Asbestos Licensing Rules

Agency Contact for this Package

Division Contact: Jeff Gerdes, Jeffrey.Gerdes@epa.ohio.gov , 1-614-466-3770

Ohio EPA held a public hearing on Friday, October 9, 2020 regarding potential amendments to OAC Ch, 3745-22 Asbestos Licensing Rules. This document summarizes the comments and questions received at the public hearing, which ended on (insert date).

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health.

In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format. The name of the commenter follows the comment in parentheses.

General/Overall Concerns

Comment 1: We have a recurring question in asbestos training classes that requires clarification. When performing an asbestos activity greater than 3 square or linear feet but less than 50 SF/LF, does the new rule require the use of a licensed worker or supervisor? (**Wayne Ingram, Training Services International, Inc.**)

Response 1: 3745-22-01_(C) "Asbestos hazard abatement activity" means any activity involving the removal, renovation, enclosure, repair, ~~or encapsulation~~ or operation and maintenance of reasonably related friable asbestos-containing materials in an amount greater than ~~fifty-three~~ linear feet or ~~fifty-three~~ square feet. ~~Asbestos hazard abatement activity also includes any such activity involving such asbestos-containing materials in an amount of fifty linear or fifty square feet or less if, when combined with any other reasonably related activity in terms of time and location of the activity, the total amount is in an amount greater than fifty linear or fifty square feet.~~

OAC 3745-22-02 (F) No person shall perform any asbestos hazard abatement activities unless he or she is certified as an asbestos hazard abatement worker or an asbestos hazard abatement specialist by the director in accordance with Chapter 3710. of the Revised Code and pursuant to the requirements of this chapter.

The proposed rule allows either a certified asbestos hazard abatement worker or a certified asbestos hazard abatement specialist to perform an abatement activity.

End of Response to Comments