



Asbestos Program Transition from the Ohio Department of Health

Effective Jan. 1, 2018, the Ohio Department of Health's asbestos program will be transferred to the Ohio Environmental Protection Agency's ¹ Division of Air Pollution Control. This fact sheet discusses upcoming changes and implementation timelines.

Asbestos Program Transfer

The asbestos program transfer includes applicable Ohio Administrative Code rules, some employee relocation and reassignment of all aspects of the program regulating asbestos hazard abatement contractors, specialists, project designers, workers, training courses and other professionals currently regulated by the Ohio Department of Health (ODH). Ohio EPA has been working to integrate the program into the Agency's existing asbestos program. The goal of both agencies is to improve internal efficiency while making compliance easier for customers.

What does this mean for industry?

The new combined asbestos program includes some important changes, outlined and discussed below.

- No changes to fee amounts in the law or rules have been made; the implementation of fee amounts have been aligned with the regulations.
- All fees must be paid at the time a form is submitted for it to be accepted and considered complete.
- One merged notification form will allow more than one project location to be submitted at a time.
- New software to submit online notification forms in Ohio EPA's eBusiness Center coming Jan. 5, 2018.
- All other forms may be submitted through Ohio EPA's eBusiness Center beginning in summer 2018.
- Any hard copy forms must be sent to Ohio EPA's Central Office (address below).
- Combined inspections will be conducted to assess compliance with the merged asbestos program.
- Ohio EPA will have the authority to suspend and revoke licenses.

Rules

The rules governing asbestos hazard abatement contractors, specialists, project designers, workers, training courses and other professionals currently regulated by ODH in Ohio Administrative Code (OAC) Chapter 3701-34 will be adopted by Ohio EPA under OAC Chapter 3745-22 on Jan. 1, 2018. Ohio EPA's rules based on the National Emission Standards for Hazardous Air Pollutants (NESHAP) will remain in OAC Chapter 3745-20. Several definitions in the licensing rules were changed to align with Ohio EPA's regulations. The requirements that determine if a 10-day prior notification must be submitted to the Agency remain the same for both programs.

Centralized Program and Oversight

Ohio EPA's Division of Air Pollution Control in the Central Office will receive and process all forms submitted by the regulated community. Division staff also will conduct completeness reviews and issue all certifications, licenses and approvals. The Compliance and Enforcement section will conduct project notification review and oversee the inspection program. All hard copy forms, with corresponding checks postmarked after Dec. 21, 2017, must be delivered to:

Asbestos Program
Ohio EPA, DAPC
P.O. Box 1049
Columbus, OH 43216-1049

OR
Asbestos Program
Ohio EPA, DAPC
50 W. Town St., Suite 700
Columbus, OH 43215

¹ Ohio's Biennium Budget for Fiscal Year 2018-2019 by the 132nd Ohio General Assembly

Asbestos Program Transition from the Ohio Department of Health

10-Day Prior Notification

A single combined form will be used for all building demolition and asbestos abatement projects that require 10-day advance notice, provided they are in the same county, for the same owner and use the same contractors. To take advantage of this convenience, all the required information about the site(s) must be known at the time the form is submitted. The form may be completed and submitted online or mailed in hard copy. Revisions to notification forms will continue to be required as project information changes.

IMPORTANT: All fees associated with the identified projects must be paid when the initial notification form is submitted and before the 10-day prior notification and associated projects may begin. A customer will only be sent an invoice or fees refund if there is a difference in the total fee amount once all projects on the notification form are completed.

Fees

The fee structure in the Ohio Revised Code has not changed. Instead, the implementation of fee applicability has been aligned with what is currently allowed in the law and rule language. There are two areas where customers may notice a difference in the amount due: 1) notification of a demolition project with no asbestos present will be charged the \$75 NESHAP notification fee; and 2) if more than one project is included on a notification form, thus considered an installation, the NESHAP notification fee will only be charged one time per form. All other fees pertaining to the amount of asbestos abated or removed, or the \$65 licensing notification fee, has not changed. As discussed above the fees will be due at the time a form is submitted.

Submit All Forms and Pay Fees Online

Ohio EPA is developing new software that will allow customers to submit all applicable forms online. The software will be implemented in two phases: 1) Notification forms on Jan. 5, 2018; and, 2) Licenses, Certifications and Course Management in summer 2018. For all online forms, the software will calculate applicable fees based on information provided in the form. Associated fees must be paid via credit card or electronic check.

Note: The ODH online abatement project notification system will be turned off on Jan. 3, 2018, to migrate all data to Ohio EPA. All other components of the ODH online system will remain active until the second phase of the new software is made available.

Inspections, Compliance and Enforcement

Ohio EPA's Central Office, district and local air agency staff will provide compliance assistance to customers. All asbestos-related guidance documents are being evaluated to ensure consistency between the two programs.

Ohio EPA district office and local air agency staff will conduct inspections within their jurisdiction for both the NESHAP and licensing rules. The district and local air agency staff currently conduct NESHAP inspections and are being trained on the licensing rules. The inspectors will complete abatement supervisor training and hold the abatement specialist license and the evaluation specialist license.

With the merger of the programs, the Ohio EPA director will have the authority to suspend and revoke licenses for individuals who fail to comply with the licensing rules and/or NESHAPs. This includes the failure to pay asbestos fees as outlined in the revised code.

Timeline

| | |
|---|--------------------------------|
| Send hard copy forms with checks to Ohio EPA Central Office | Postmarked after Dec. 21, 2017 |
| Ohio EPA begins all regulation of asbestos program | Jan. 1, 2018 |
| ODH turns off online asbestos notification submission | Jan. 3, 2018 |
| New merged notification form available on Ohio EPA eBusiness Center | Jan. 5, 2018 |
| All remaining asbestos forms available through eBusiness Center | Summer 2018 |

Contact

For news concerning the merger, including upcoming webinars, go to epa.ohio.gov/asbestos. For more information, contact asbestos@epa.ohio.gov or call (614) 466-0061.