

File Copy 2008



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF OCCUPATIONAL SAFETY
ASBESTOS AND LEAD PROGRAM

www.mass.gov/dos

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March 10, 2009

James M. Bryson
Regional Abatement Coordinator
U.S. Environmental Protection Agency
One Congress Street
Suite 1100 (CPT)
Boston, MA 02114-2023

RE: MA FY '08 Final Close Out Report, TSCA Title, AHERA OECA
Cooperative Agreement K-00128312-0 MA-AHERA-JFB (Asbestos Grant)

Dear Mr. Bryson:

Please find the attached Final Close Out Report for the above listed cooperative agreement. DOS's accomplishments are listed in the enclosed report. Summary data for the year is available for this report.

If you have any questions or comments pertaining to this report or the work Massachusetts DOS has performed during this grant period, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Nicotera".

Robert J. Nicotera
Environmental Engineer
MA DOS

Cc: Jonathan Britt, EPA Project Officer
Carol McQuilkin, MA DOS Business Management Specialist

GRANT REPORT

FROM:

ROBERT NICOTERA
ENVIRONMENTAL ENGINEER
MASSACHUSETTS DIVISION OF OCCUPATIONAL SAFETY
19 STANIFORD STREET
2ND FLOOR
BOSTON, MA 02114

TO:

JONATHAN F. BRITT
PROJECT OFFICER
US EPA
ONE CONGRESS STREET
SUITE 1100
BOSTON, MA 02110

Re:

Grant Number:
Description:
Reporting Period:

☒ 001283120-MA-AHERA-JFB
OECA TSCA TITLE II – ASBESTOS IN SCHOOLS
Final Grant Close Out Report FY 08

Grant Report for : K001283120-MA-AHERA-JFB
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Work Plan/Accomplishments

PROGRAM MEASURES (EPA REQ #1)

End year FY 08 Numbers:

Charter schools: 2 of 40 schools inspected were charter schools.

Environmental Justice Areas: 13 of 40 LEAs inspected in environmental justice areas.

LEAs Not Inspected in last 6 years: 34 of 40 LEAs not inspected in the last 6 years.

Public employees working in asbestos activities: 3 of 40 LEAs employees involved with asbestos related activities.

4th Qtr: **Charter Schools:** DOS inspected no charter schools during this QTR. **Environmental Justice Areas:** DOS inspected 0 LEA in an EJ area. **Schools not inspected in 6 years:** 7 of 7 schools had not been inspected in the last 6 years. **Public employee Asbestos Activity:** Public employees were reported working in 0/7 schools on asbestos related activities.

3rd Qtr: **Charter Schools:** DOS inspected no charter schools during the 3rd QTR. **Environmental Justice Areas:** DOS inspected 1 LEA in an EJ area. **Schools not inspected in 6 years:** 9 of 10 schools had not been inspected in the last 6 years. **Public employee Asbestos Activity:** Public employees were reported working in 1/10 schools on asbestos related activities.

Mid year FY 08 Comments: Charter Schools: DOS inspected 2 charter schools. Environmental Justice: 8 of the 23 schools inspected during the first half were in EJ areas. Inspected in last 6 years: 9 of the 16 had not been inspected in the last 6 years. Public employees: were reported working in 2 schools on asbestos related activities.

2nd Qtr: During the second quarter DOS inspected 2 charter schools. 3 of the 16 schools inspected were in EJ areas and 3 of the 16 had not been inspected in the last 6 years. Public employees were reported working in 2 schools on asbestos related activities.

1st Qtr: During the first quarter DOS did not inspect any charter schools. 5 of the 7 schools inspected were in EJ areas and 6 of the 7 had not been inspected in the last 6 years. No public employees were reported working on asbestos related activities.

AHERA work in Progress Inspections: Total work in progress inspections at schools for year = 12.

4th Qtr: 3 work in progress inspections **3rd Qtr:** 7 work in progress inspections. **2nd Qtr:** 2 work in progress inspections.

Work Plan/Accomplishments

ATTEND GRANT FUNDED MEETINGS (EPA REQ #2)

Final Reporting: MADOS attended at least 2 grant funded meetings that are listed below.

4th Qtr: During the 4th Quarter DOS attended the 2008 Johnson Conference on July 14-18, 2008 held at the University of Vermont in Burlington, Vermont. The conference was sponsored by ASTM committee D22 on Air Quality and critical issues in Monitoring Asbestos.

3rd Qtr: During the 3rd QTR DOS attended a CONES meeting in Norwich, CT. May 7-9, 2008. 4 DOS representatives attended this conference and provided a power point slide review of DOS activities, including but not limited to licensing number updates and areas of interest since the last CONES meeting.

Work Plan/Accomplishments

AHERA AWARENESS NEWSLETTER (EPA REQ #3, PAGE 20 #4)

Final Reporting: The newsletter was completed on September 29, 2008. The newsletter included an article on "Naturally Occurring Asbestos and What Residents Need to Know" and "Asbestos and International Trade". This information was developed in part from attendance at the 2008 International Johnson Conference attended in Burlington, VT in July 2008. The newsletter will be posted on the MA DOS web site.

Final Reporting:

3rd Qtr: The research and articles had been forwarded to the program management for editorial review and final acknowledgement.

2nd QTR: DOS provided additional review and research for the newsletter.

1st Qtr: DOS solicited articles to be used for the next edition of Asbestos / Lead / IAQ newsletter.

Work Plan/Accomplishments

YEARLY AHERA WAIVER REPORT 40 CFR 763.98(g) (EPA REQ #4)

This reporting project has been forwarded to DOS management for review and discuss with EPA.

Work Plan/Accomplishments

ATTEND CONES MEETINGS (EPA REQ #5)

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Final Reporting: MADOS attended 2 CONES meetings one in CT and the second in PA. The details are listed below.

During the 3rd quarter DOS attended a CONES meeting in Norwich, CT. May 7-9, 2008 at the Norwich Spa. 4 DOS representatives attended this conference and provided a review power point presentation of activities and areas of interest since the prior CONES meeting. This information including licensing and enforcement updates and a review of trends in AHERA violations encountered during the year. DOS attended meetings with all states to review and discuss amendments, proposed changes, interpretations and further development of AHERA and asbestos policies with the EPA. A change in FTTS/ICIS forms was discussed and will be addressed at the next EPA technical meeting. 1st Qtr: In October 2007 DOS attended a CONES meeting in Harrisburg PA. Mr. Ernest Kelley provided a presentation detailing DOS' experience with the document authentication system purchased from Assurtec Systems Inc.

Work Plan/Accomplishments

UPDATE NAIS WITH PROGRAM MEASURES (EPA REQ #6)

Final Reporting: MADOS will continue to work with EPA to upgrade and maintain the NAIS that is appropriate for the Environmental Justice areas.

3rd QTR: DOS has maintained the NAIS that includes Environmental Justice Areas and Charter Schools. DOS did joint inspections in the past is some of these EJ areas in 2007. During the 4th QTR DOS attempted to focus on the schools that were inspected in 2006 to update the NAIS program Measures. During the 1st and 2nd quarters DOS has performed co-visits with the EPA to keep them informed on LEAs that have been surveyed in the past and have not complied with prior requests by MA DOS to correct AHERA violations. All FTTS forms have been upgraded to include the Integrated Compliance Information System (ICIS) data form. These forms are provided electronically after each inspection by the inspector performing the survey.

Work Plan/Accomplishments

PILOT TEST TABLET PC SYSTEM (EPA REQ #7)

3rd QTR: DOS learned at the CONES meeting in Norwich CT during the 3rd QTR that the state of Vermont will be performing the test pilot PC system and will provide an update of the status of the system.

Work Plan/Accomplishments

STATE COMPLIANT-ENFORCEMENT INITIATIVES (EPA REQ #8)

Final Reporting: MADOS will continue to work on a civil administration penalty process to continue the enforcement initiatives.

4th Qtr: DOS formed a committee to formulate and implement a penalty matrix system for enforcement actions. DOS has also contacted and consulted with MA DEP to see how they conducted and carried out enforcement penalty procedures. The civil penalties will be instituted from a matrix that will include severity of the infraction and the history of similar or other violations. During the third quarter MA DOS worked on legislation to maintain civil penalties for asbestos contractors who do work in schools. This legislation was signed into law during the 4th qtr on July 13, 2008. This law will allow MA DOS to use civil fines as an enforcement tool for work done in schools. A task force was created to develop a civil enforcement procedure for asbestos violators.

Work Plan/Accomplishments

ENTER DATA INTO CERT SYSTEM AND NELAR WEBSITE (EPA REQ #9)

4th Qtr: The state of Vermont was contacted during the 4th quarter. VT provided a program to remove social security numbers and allow entry of our CERT database into the NELAR website on September 5, 2008. A special thanks goes to Vermont for this assistance. As a normal course of business DOS has updated the licensing data base on a routine basis. 3rd Qtr: The CERT system is updated daily and all licenses have been entered into the CERT system and DOS' system analyst provided information from the CERT system to the EPA for entry into the NELAR data base during the second quarter. No updates were provided during the 3rd.

Work Plan/Accomplishments

CONDUCT OUTREACH / REGULATED COMMUNITY (EPA REQ #10)

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End year FY 08 Comments: DOS also provided outreach asbestos information to local code enforcement inspectors.

4th Qtr: DOS inspectors provided asbestos awareness training for 26 students on September 3, 2008 and for 23 students on September 10, 2008 at Williams College in Williamstown, MA.

3rd QTR: DOS conducted three training's: on April 17, 2008 at Ludlow High School, on April 23, 2008 at Resprian Protection Development Center and on May 1, 2008 at Holyoke Soldiers Home. These training covered asbestos awareness and 56 people attended..

Mid year update: DOS provided 4 awareness trainings for 64 persons. 2nd Qtr: During the second quarter on January 18th and 23rd, 2008 two MA DOS inspectors provided 4 hr awareness training for 16 and 4 students respectively at the Holyoke Soldiers Home in Holyoke, MA. On January 24, 2008 two DOS inspectors provided 4+ hour awareness training for 37 students at the Department of Interior- Hadley Fisheries and Wildlife in Hadley, MA.

1st Qtr: During the first quarter DOS visited the Holyoke Soldiers Home in November 2007 and provided information and outreach. DOS has trained 7 employees on November 21, 2007 in asbestos awareness training at Framingham State College.

Work Plan/Accomplishments

SUBMIT REPORTS IN CLASSACT FORMAT (EPA REQ #11)

4th Qtr: For the fourth quarter DOS submitted reports on October 31, 2008 to EPA in GRX format and mailed a hard copy.

3rd QTR: For the third quarter DOS submitted reports on July 29, 2008 to EPA in GRX format and mailed a hard copy. For the second quarter DOS submitted reports on April 29, 2008 to EPA in GRX format and mailed a hard copy.

Work Plan/Accomplishments

STAFF ASBESTOS TRAINING UPDATES (EPA REQ #12)

4th Qtr: During the fourth quarter DOS organized and attended in-house training for an OSHA 10 hour course on July 29, 2008 9AM to 2:30 PM and on July 30, 2008 9AM to 2:30PM. All DOS asbestos inspectors were in attendance.

3rd QTR: During the third quarter DOS organized an in-house training for an OSHA 10 hour course. The 2 day course will cover OSHA construction safety and is required for all public construction jobs over 10K in cost. The ten hour training will occur during the 4th quarter on July 29-30, 2008 for all DOS asbestos inspectors.

Work Plan/Accomplishments

CONDUCT 40 CLASS ACT AHERA INSPECTIONS (EPA REQ #13) (PAGE 20, #1*)

AHERA Audits: 40 audits were performed for the grant period.

FIRST QUARTER: MA DOS conducted 7 AHERA audits during the first quarter and issued 7 Notices of Non Compliance ("NON"), citing a total of 71 violations. The LEAS that were subject to routine AHERA audits were selected using the Neutral Selection scheme.

#612 Edward Leddy Elementary School, Taunton: A routine inspection was conducted on November 28, 2007, for AHERA compliance. An NON was issued on December 11, 2007 with 12 violations and 7 potential violations noted.

#613 Parlin School, Everett: A routine inspection was conducted on November 29, 2007 for AHERA compliance. An NON was issued on January 7, 2008 with 11 violations and 5 potential violations noted.

#614 St. Francis of Assisi Elementary School, Braintree: A routine inspection was conducted on December 12, 2007 for AHERA compliance. An NON was issued on January 10, 2008 with 7 violations noted.

#615 Pathfinder Vocational Technical High School, Palmer: A routine inspection was conducted on December 6, 2007 for AHERA compliance. An NON was issued on December 17, 2007 with 20 violations and 6 potential violations noted.

#616 Capuano Early Childhood Center Somerville: A routine inspection was conducted on December 20, 2007 for AHERA compliance. An NON was issued on December 28, 2007 with 3 violations noted.

#617 Edgerly Education Center, Somerville: A routine inspection was conducted on December 20, 2007 for AHERA compliance. An NON was issued on January 3, 2008 with 9 violations and 2 potential violations noted.

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#618 John Cummings School, Somerville: A routine inspection was conducted on December 20, 2007 for AHERA compliance. An NON was issued on January 3, 2008 with 9 violations noted.

SECOND QUARTER: MA DOS conducted 16 AHERA audits during the second quarter and issued 15 Notices of Non Compliance ("NON"), citing a total of 141 violations. The LEAS that were subject to routine AHERA audits were selected using the Neutral Selection scheme.

#619 Academy of Pacific Rim School, Boston: A routine inspection was conducted on January 7, 2008, for AHERA compliance. An NON was issued on January 9, 2008 with 3 violations noted.

#620 Boston Preparatory Charter School, Boston: A routine inspection was conducted on January 23, 2008, for AHERA compliance. An NON was issued on February 13, 2008 with 10 violations noted.

#621 Vining School, Billerica: A routine inspection was conducted on January 28, 2008 for AHERA compliance. An NON was issued on February, 2008 with 5 violations noted.

#622 Parker School, Billerica: A routine inspection was conducted on January 28, 2008 for AHERA compliance. An NON was issued on February 28, 2008 with 4 violations noted.

#623 Doherty Memorial High School, Worcester: A routine inspection was conducted on January 11, 2008 for AHERA compliance. An NON was issued on January 18, 2008 with 18 violations noted.

#624 Chapin Elementary, Ludlow: A routine inspection was conducted on January 25, 2008 for AHERA compliance. An NON was issued on January 29, 2007 with 16 violations noted.

#625 East Street School, Ludlow: A routine inspection was conducted on January 25, 2008 for AHERA compliance. An NON was issued on January 29, 2008 with 14 violations noted.

#626 Mapleshade Elementary School, East Longmeadow: A routine inspection was conducted on January 31, 2008 for AHERA compliance. An NON was issued on February 5, 2008 with 11 violations noted.

#627 Birchland Park Elementary, East Longmeadow: A routine inspection was conducted on January 31, 2008 for AHERA compliance. An NON was issued on February 5, 2008 with 4 violations noted.

#628 Center School, east Longmeadow : A routine inspection was conducted on February 14, 2008 for AHERA compliance. An NON was issued on February 25, 2008 with 5 violations noted.

#629 Lincoln Sudbury Regional High School, Sudbury: A routine inspection was conducted on February 20, 2008 for AHERA compliance. No violation were noted.

#630 Wolf Swamp Road School, Longmeadow: A routine inspection was conducted on February 24, 2008 for AHERA compliance. An NON was issued on February 25, 2008 with 6 violations noted.

#631 Page School, Ayer: A routine inspection was conducted on February 25, 2008 for AHERA compliance. An NON was issued on March 10, 2008 with 20 violations noted.

#632 Ayer High School, Ayer: A routine inspection was conducted on February 25, 2008 for AHERA compliance. An NON was issued on March 10, 2008 with 21 violations noted.

#633 River Valley Academy, Holyoke: A routine inspection was conducted on March 12, 2008 for AHERA compliance. An NON was issued on March 21, 2008 with 7 violations noted.

#634 Valley Christian School, South Hadley: A routine inspection was conducted on March 12, 2008 for AHERA compliance. An NON was issued on March 21, 2008 with 7 violations noted.

Mid year update: 23 schools have been inspected and issued NONs.

THIRD QUARTER: MA DOS conducted 10 AHERA audits during the third quarter and issued 9 Notices of Non Compliance ("NON") and one letter, citing a total of 103 violations. The LEAS that were subject to routine AHERA audits were selected using the Neutral Selection scheme.

#635 Mosely School, Westfield: A routine inspection was conducted on April 2, 2008 for AHERA compliance. An NON

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was issued on April 11, 2008 with 15 violations noted.

- #636 Papermill School, Westfield: A routine inspection was conducted on April 2, 2008 for AHERA compliance. An NON was issued on April 11, 2008 with 7 violations noted.
- #637 Burgess Elementary School, Sturbridge: A routine inspection was conducted on April 4, 2008 for AHERA compliance. An NON was issued on April 11, 2008 with 10 violations noted.
- #638 Elm Park School, Worcester: A routine audit of the school management plan was reviewed on April 14, 2008.
- #639 Blackstone Millville Regional High School, Blackstone: A routine inspection was conducted on May 30, 2008 for AHERA compliance. An NON was issued on July 10, 2008 with 15 violations noted.
- #640 Holyoke High School, Holyoke: A routine inspection was conducted on June 11, 2008 for AHERA compliance. An NON was issued on June 13, 2008 with 14 violations noted.
- #641 Bishop Stang School, New Bedford: A routine inspection was conducted on June 25, 2008 for AHERA compliance. An NON was issued on July 1, 2008 with 14 violations noted.
- #642 Brooks Elementary School, New Bedford: A routine inspection was conducted on June 25, 2008 for AHERA compliance. An NON was issued in July, 2008 with 10 violations noted.
- #643 Beatrice Wood, Plainville: A routine inspection was conducted on June 26, 2008 for AHERA compliance. An NON was issued on July 1, 2008 with 7 violations.
- #644 Jackson School, Plainville: A routine inspection was conducted on June 26, 2008 for AHERA compliance. An NON was issued on July 1, 2008 with 7 violations.

FOURTH QUARTER: MA DOS conducted 7 AHERA audits during the fourth quarter and issued 7 Notices of Non Compliance ("NON"). The LEAS that were subject to routine AHERA audits were selected using the Neutral Selection scheme.

- #645 Hoyle Elem Sch, Swansea: A routine inspection was conducted on July 23, 2008 for AHERA compliance. An NON was issued on Aug , 2008 with violations.
- #646 Gardner School, Swansea: A routine inspection was conducted on July 23, 2008 for AHERA compliance. An NON was issued on , 2008 with violations.
- #647 Roosevelt Ave. School, North Attleboro: A routine inspection was conducted on July 24, 2008 for AHERA compliance. An NON was issued on , 2008 with violations.
- #648 Falls Elementary School, North Attleboro: A routine inspection was conducted on July 24, 2008 for AHERA compliance. An NON was issued on , 2008 with violations.
- #649 Robinson Elementary School, Mansfield: A routine inspection was conducted on September 17, 2008 for AHERA compliance. An NON was issued on 2008.
- #650 Maimonide School, Brookline: A routine inspection was conducted on September 11, 2008 for AHERA compliance. An NON was issued on 2008 with violations.
- #651 Fort River Elementary School, Amherst: A routine inspection was conducted on August 20, 2008 for AHERA compliance. An NON was issued with violations.

Work Plan/Accomplishments

CONDUCT 4 TRAINING PROVIDER AUDITS (EPA REQ #14)

Total for Year: 4 training providers were audited for the grant period.

2nd Qtr: March 18, 2008, at ATC Associates, 73 Williams Franks Drive, West Springfield, MA 01089. Course: Project Monitor / Refresher, March 18, 2008, Environmental Compliance Services (ECS) , 588 Silver Street, Agawam, MA 01001, Course: Asbestos Training Provider, Records Audit . March 20, 2008, Environmental Management Training Corp. , 65 Merimack Street, Lawrence, MA 01887, Course: Asbestos Training Facilities Audit. 1st Qtr: September 28, 2008, Institute For Environmental Education (IEE), 16 Upton Drive, Wilmington, MA 01887. Course: Asbestos Training Facilities Audit.

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Work Plan/Accomplishments

CONDUCT 4 ASBESTOS LABORATORY AUDITS (PAGE 20, #2)

Perform 1 asbestos lab audit per quarter:

Total 4 labs were audited during the grant period.

4th Qtr: One lab was audited: Envirohealth Inc. 7 Riverside Drive Dover, MA 02030 Dover, MA 02030.

3rd Qtr: 2 labs were audited by DOS. Fuss & O'Neil Envior- Science was audited by DOS on June 9, 2008

North East Environmental Lab was audited on March 7, 2008.

2nd Qtr: DOS did not perform lab audits.

1st Qtr: DOS performed an asbestos Laboratory audit at the MIT laboratory in Cambridge on December 19, 2007.

Work Plan/Accomplishments

CONDUCT TWO FREE DESIGNATED PERSON TRAINING (PAGE 20, #3)

Total number of awareness trainings for year = 11 Total trained = 198

4th Qtr: 2 trainings and 49 persons. Both trainings were at Williams College; one September 3, 2008 and the second September 10, 2008.

3rd Qtr: 3 trainings and 56 persons. The first training was April 17, 2008 at Ludlow HS. The second was April 23, 2008 at the Resparian Protection Development Center and the third May 1, 2008 at the Holyoke Soldiers Home.

2nd Qtr: 5 trainings and 84 persons. 2 training were conducted at the Holyoke Soldiers Home; one January 18, 2008 and the second January 23, 2008. The third was January 24, 2008 at Fisheries and Wildlife in Hadley and the final two in Springfield, MA one at MASBO-West at the Lower Pioneer Education Collaborative Center in West Springfield, MA.

1st Qtr 1 training and 7 persons. This training occurred at Framingham State College.

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AGREEMENTS/OBJECTIVES	PLAN	REVD	ACTUAL	COMMENTS
1) PROGRAM MEASURES (EPA REQ #1)	QTRLY - NUMBER OF CHARTER SCHOOLS INSPECTED		0 of 7 for 4th Qtr.	Final numbers: 2/40 were charter schools.
	QTRLY - NUMBER INSPECTIONS OF LEAS IN EJ AREAS		0 of 7 for 4th Qtr	Final numbers: 13/40 were in EJ areas.
	QTRLY - NUMBER OF LEAS NOT INSPECTED/AUDITED IN LAST 6 YEARS		7 of 7 for the 4th Qtr.	Final numbers: 34/40 were not inspected in the last 6 years.
	QTRLY - NUMBER OF INSPECTIONS OF PUBLIC EMPLOYEE ASBESTOS ACTIVITIES		0 of 7 for 4th Qtr.	Final numbers: 3/40 LEAs had employees who were involved in asbestos related activities.
2) ATTEND GRANT FUNDED MEETINGS (EPA REQ #2)	QTR 2 - ATTEND FALL CONES/MAREC MEETING			
	QTR 3 - ATTEND MID YEAR GRANT REVIEW BOSTON, MA		CONES Meeting May 7-9, 2008	DOS attended CONES meeting May 7-9, 2008 in Norwich CT.
	QTR 4 - ATTEND CONES TECHNICAL MEETING		May 7-9, 2008 September 29, 2008	CONES Conference in Norwich CT. Attended Johnson Conference in Burlington Vermont on September 29, 2008.
3) AHERA AWARENESS NEWSLETTER (EPA REQ #3, PAGE 20 #4)	QTR 1 - REVISE CURRENT NEWSLETTER VOL 1			During the first quarter DOS solicited articles for the newsletter during the first quarter to be used for the next edition of the newsletter.
	QTR 2 - SELECT NEWSLETTER TOPICS VOL 2			During the second qtr DOS provided additional review and research for the newsletter.
	QTR 3 - COMPLETE DRAFT NEWSLETTER VOL 2		June 30, 2008	Research and drafting in progress. An Additional article will be written including the Johnson Conference attended during the 4th quarter.
	QTR 4 - FINALIZE & PUBLISH NEWSLETTER VOL 2		September 29, 2008	Final Publication September 29, 2008.
	QTRLY - NUMBER OF NEWSLETTERS DISTRIBUTED			DOS will provide AHERA awareness newsletter on the DOS website page and to all who request it.
4) YEARLY AHERA WAIVER REPORT 40 CFR763.98(g) (EPA REQ #4)	END OF CALANDAR YEAR REPORT DUE MAR 01, 2008			
5) ATTEND CONES MEETINGS (EPA REQ #5)	QTRLY - REPORT PARTICIPATION		October 2007 and May 2008 CONES Meetings	Final report: DOS sent 4 representatives to the CONES meeting in Norwich, CT. May 7-9, 2008. The DOS representatives provided updated information to CONES members.
6) UPDATE NAIS WITH PROGRAM MEASURES (EPA REQ #6)	QTR 1 - SUBMIT CURRENT NAIS TO EPA			DOS has maintained the NAIS that includes Environmental Justice Areas and Charter Schools.
	QTR 2 - REVIEW NAIS WITH EPA			Mid year summary: During the first and second quarter DOS has performed co-visits with the EPA.
	QTR 3 - DEVELOP ADDENDUM #1 TO THE CURRENT NAIS			
	QTR 4 - FINALIZE AND SUBMIT UPDATED NAIS			
7) PILOT TEST TABLET PC SYSTEM (EPA REQ #7)	QTR 2 - PURCHASE PILOT SYSTEM HARDWARE FROM (5,000)			

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	QTR 3 - SETUP PILOT SURVEY SYSTEM			
	QTR 4 - CONDUCT 25% OF CLASSACT SURVEYS WITH PILOT TEST SYSTEM			MA is not an active participant but will assist in future quarters if asked.
8) STATE COMPLIANT-ENFORCEMENT INITIATIVES (EPA REQ #8)	QTRLY - MAINTAIN & UPDATE C-E PROGRAM			DOS has worked with EPA enforcement personnel to provide LEAs that are in non compliance with current and past NONs.
	QTRLY - REPORT # OF NON'S		39 NONS	Final = 39 NONs 4th Qtr 7 NONS 3rd QTR has provided 9 NONs . Mid year: DOS has provided 23 NONs. 1st QTR = 7 2nd QTR = 16 NONs.
	QTRLY - REPORT # OF CIVIL COMPLAINTS		0	DOS will provide complaints in the future related to civil penalties.
	QTRLY - REPORT # OF ICIS FORMS SUBMITTED		40	DOS has provided ICIS forms for each inspection for each quarter. and added from 9 work in progress forms.
	QTRLY - REPORT # OF INSPECTION REPORTS SUBMITTED		40	DOS provided 40 reports to the EPA during the 4 quarters.
9) ENTER DATA INTO CERT SYSTEM AND NELAR WEBSITE (EPA REQ #9)	QTRLY - ALL PERSONNEL LICENSED		4th Qtr = 986	Total for year = 3821
	QTRLY - ALL NEW PROJECT DESIGNERS/REFRESHERS		4th Qtr = 19	Total for year = 63
	QTRLY - ALL NEW MANAGEMENT PLANNERS/REFRESHERS		4th Qtr = 27	Total for year = 88
	QTRLY - ALL NEW ASBESTOS WORKERS/REFRESHERS		4th Qtr = 548	Total for year = 2025
	QTRLY - ALL NEW ASBESTOS SUPERVISORS/REFRESHERS		4th Qtr = 204	Total for year = 868
	QTRLY - SUBMIT CERT MOB FILE TO WEB SITE		September 5, 2008	DOS provided an update of the CERT database on Sept. 5, 2008 for update on the NELAR website.
	QTRLY - NUMBER OF FRAUDULENT DOCUMENTS DISCOVERED		na	Not reported and under review
	QTRLY - MAINTAIN CERTIFICATION PRG LISTS			DOS maintains license lists for each quarter.
	QTRLY - MAINTAIN CERTIFICATION DATA BASE ON NELAR WEB SITE DATA			On September 5, 2008 this information was updated and will be updated after conference with the EPA and CONES states.
10) CONDUCT OUTREACH / REGULATED COMMUNITY (EPA REQ #10)	QTRLY - NUMBER OF INDIVIDUALS REACHED		4th Qtr = 49 reached	Total = 196 for year
11) SUBMIT REPORTS IN CLASSACT FORMAT (EPA REQ #11)	QTR 1 - REPORT ONE (OCT 2007 - DEC 2007) - DUE BY JANUARY 31, 2008		Reported January 31, 2008	DOS provided the first quarter report on January 31, 2008
	QTR 2 - REPORT TWO (JAN 2008 - MARCH 2008) - DUE BY APRIL 30, 2008		April 4, 2008	On April 4, 2008 DOS updated reports in class act format to EPA. These reports were provided in the revised AHERA report form.
	QTR 3 - REPORT THREE (APRIL 2008 - JUNE 2008) - DUE BY JULY 31, 2008		July 29, 2008	MADOS submitted in GRX format to EPA.
	QTR 4 - REPORT FOUR (JULY 2008 - SEPT 2008) - DUE BY OCTOBER 31, 2008		October 31, 2008	MADOS submitted in GRX format to EPA.

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	FINAL REPORT WITH ALL SUPPORTING DOCUMENTATION - DUE BY DECEMBER 31, 2008			
12) STAFF ASBESTOS TRAINING UPDATES (EPA REQ #12)	QTRLY - NUMBER OF STAFF TRAINED			
13) CONDUCT 40 CLASS ACT AHERA INSPECTIONS (EPA REQ #13) (PAGE 20, #1')	QTR 1 - 10 INSPECTIONS		7	DOS conducted 7 AHERA audits during the first quarter.
	QTR 2 - 10 INSPECTIONS		16	DOS conducted 16 AHERA audits during the second quarter.
	QTR 3 - 10 INSPECTIONS		10	DOS conducted 10 AHERA audits during the third quarter.
	QTR 4 - 10 INSPECTIONS		7	DOS conducted 7 AHERA audits during the forth quarter.
	QTRLY -SUBMIT AHERA INSPECTIONS & FTTS TO OES FOR RVW		7	
	QTRLY -SUBMIT AHERA INSPECTIONS & FTTS TO OES FOR RVW		16	
	QTRLY -SUBMIT AHERA INSPECTIONS & FTTS TO OES FOR RVW		10	
	QTRLY -SUBMIT AHERA INSPECTIONS & FTTS TO OES FOR RVW		7	
14) CONDUCT 4 TRAINING PROVIDER AUDITS (EPA REQ #14)	QTRLY - REPORT # OF TP AUDITS CONDUCTED		4 for year	Final year Report: DOS has conducted 4 asbestos training audits and reports.
15) CONDUCT 4 ASBESTOS LABORATORY AUDITS (PAGE 20, #2)	QTR 1 - 1 AUDIT		1	DOS conducted one lab audit on December 19, 2007 at the MIT lab.
	QTRLY -SUBMIT AUDIT & FTTS TO OES FOR RVW		1	DOS faxed the FTTS form to Carolyn Conner.
	QTR 2 - 1 AUDIT		1	DOS conduct lab audit at Northeast Environmental Lab.
	QTRLY -SUBMIT AUDIT & FTTS TO OES FOR RVW			DOS will provide ICIS forms.
	QTR 3 - 1 AUDIT		1	Conducted 1 lab Audit at Fuss & O'Neil Environscience Boston, MA.
	QTRLY -SUBMIT AUDIT & FTTS TO OES FOR RVW			Will Provide FTTS form.
	QTR 4 - 1 AUDIT		1	DOS audited Environmental Health Inc. On August 13, 2008.
	QTRLY -SUBMIT AUDIT & FTTS TO OES FOR RVW			FTTS form will be provided.
16) CONDUCT TWO FREE DESIGNATED PERSON TRAINING (PAGE 20, #3)	QTR 2 - # OF-DP TRAINED		91 trained	
	QTR4 - # OF-DP TRAINED		105 trained	

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GRANT TRACKING

FISCAL YEAR	2007
STATE/TRIBE	MASSACHUSETTS
GRANT NAME	TSCA TITLE II OECA AHERA
GRANT TYPE	OECA
GRANT NUMBER	K001283120-MA-AHERA-JFB
SPECIAL STATUS	NONE
PROGRAM ELEMENT	PRC-501E14E
AWARD DATE	09/11/07
GRANT PERIOD	10/01/07 - 09/30/08
STATE/TRIBE PROJECT MGR	ERNEST KELLEY (MAIN # 617-626-6975)
EPA PROJECT MGR	JONATHAN F. BRITT (617-918-1563)
EPA GRANT SPECIALIST	DIANNE CULHANE (617-918-1975)
FEDERAL \$	113,500
STATE/TRIBE \$	44,671
TOTAL \$	158,171

GENERAL NARRATIVE DISCUSSION:

September 2008 Asbestos: DOS discovered another counterfeit asbestos license in the course of an inspection. Massachusetts State Troopers assigned to the Attorney Generals Office were unable to get out to the job site that day, but the worker ended up coming into the Boston office to apply for a real license the next day. He had been turned away from the Boston office on a previous occasion because he lacked proper ID credentials.

The troopers were able to come to the office that morning and question the applicant to try and get information on whoever supplied him with the counterfeit license. However, the troopers were unable to get any usable information from him, and had to let him go.

DOS working jointly with DEP and both the Peabody Building Department and Health Departments, responded to a complaint regarding renovation work that was causing the release of uncontrolled asbestos dust at the Peabody Holiday Inn. The lobby of the hotel was undergoing renovations and asbestos floor tile and mastic was being removed by mechanical methods, causing the release of copious amounts of dust. There were no barriers or engineering controls to contain the dust. The hotel and lobby was still in operation while the work was being done. In addition, renovations had already been completed in guest rooms on the fourth floor, and rooms on the 3rd floor were in process. Air and bulk sampling conducted after the complaint was lodged confirmed the presence of asbestos in the both the bulk and dust samples and the Peabody Building Commissioner ordered the hotel closed. A building survey for asbestos materials done after the renovation work was halted confirmed asbestos materials included floor tile, mastic, joint compound and skim coat on the ceiling.

A cleanup plan was submitted to both DOS and DEP, and with minor revisions, was approved. Cleanup work in the lobby has been completed this past week, and renovation work has resumed. The cleanup plan for the 3rd and 4th floor rooms has not yet been approved.

Renovations to a second Holiday Inn, located in Dedham, was also halted after DOS discovered that a survey for asbestos containing materials had not been performed. The same project manager for the Peabody Holiday Inn was also managing this project. Plans to hire a consultant to perform the survey are underway.

During a Case Review meeting this month, members and inspectors reviewed 2 cases of asbestos violations. A proposed action to revoke the license of a Project Monitor for seven (7) months was issued by DOS. That action has been appealed. Further license action may also be taken against the asbestos contractor and supervisor pending further information.

In a previous case, an asbestos contractor met with DOS at a pre-hearing conference to offer an explanation of their violations and propose an alternative action in lieu of DOS' decision to propose a suspension of their license. A settlement has been reached and the company will provide remedial hands-on training for the supervisor, and be placed on probation.

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September 2008 Underground Task Force Involvement: An asbestos contractor has submitted a renewal application of their contractor license to DOS. Through the Task Force, DOS has learned that the contractor is under investigation by the Attorney General's Office for prevailing wage violations, and has a possible tax liability with DUA. DOS is currently gathering information to determine if any action needs to be taken.

August 2008 Asbestos: DOS responded to inquiries in a school regarding the assessment and condition of asbestos spray-on insulation above a false ceiling. DOS conducted an AHERA inspection and made recommendations that the building should have a comprehensive inspection in accordance with AHERA and damaged ceiling tiles should be replaced. The school hired a consultant to survey the building, in addition to conducting the survey, collected micro-vac dust samples from both classrooms and HVAC ducts. Some of the dust samples came back elevated, necessitating HEPA-vacuuming and wet washing of surfaces and furniture in the affected rooms. DOS has monitored some of the work involving the replacement of the ceiling tiles and cleaning of the classrooms, and has offered its assistance and guidance to the school as it addresses their asbestos issues.

Members of DOS met to start preliminary discussions on developing a Civil Penalties process. DOS is reviewing models from other agencies and states for ideas on creating our own policy or regulation.

Members from both the Asbestos/Lead and Employment Agencies Programs performed a joint inspection of an Asbestos contractor that also operates as a Temporary Labor agency. Employee lists gathered during this inspection will be compared to site logs to verify who and where the employees are placed.

July 2008 Asbestos: DOS also conducted a joint inspection with DEP following an asbestos abatement project in a vacant church in Fall River. Inspectors found asbestos debris in areas that had been cleared, and citations will be issued to both the asbestos contractor and the project monitor.

AHERA work in Progress Inspections: During the third quarter DOS performed 9 Asbestos work-in-progress inspections at schools. During the second quarter 2 work in progress inspections were performed. These inspections will be reviewed for potential AHERA inspections.

June 2008

At the Salem Harbor Power Plant, asbestos abatement work related to the incident last November has been completed. Boilers #1 and #2 are online and have been operating for a few weeks now. Repair work to Boilers #3 and #4 are just about completed, and are scheduled to be tested the second week of July. DOS will be reviewing Salem Harbor's Operations and Maintenance Procedures Manual in the next few weeks to ensure it addresses the elevated dust loading levels still present in some areas of the facility.

DOS officials met with representatives of the Blackstone-Millville Regional High School to address their concerns regarding the condition of the asbestos in their school. Upon conducting an inspection in accordance with AHERA, violations were noted and a Notice is being generated.

License/Case Review

Three (3) license actions were presented this month, and each of the three resulted in proposed license suspensions or denials. Two cases involved asbestos licenses; an asbestos contractor and the supervisor were cited for work practice violations, and each received a Proposed Suspension. The third case involved an applicant seeking a deleader worker license, and he presented a falsified training certificate. His application has been denied.

May 2008

The asbestos abatement and cleanup work related to the boiler incident at the Salem Harbor Power Plant is finally complete. Any future work involving asbestos will be handled as routine Operations and Maintenance or as an abatement project, as necessary. Boilers 1 and 2 are up and running, Boiler 3 is tentatively scheduled to come online in July, Boiler 4 is scheduled to be tested in June. DOS plans to meet with the Power Plant managers to review the Operations and Maintenance Procedures to ensure that it addresses all the asbestos concerns at the plant.

Outreach and Awareness for the new Excavation and Trenching Safety Regulation continues as DOS inspectors are stopping by excavations while performing their duties. Last month DOS stopped by 16 excavation sites to promote awareness and distribute materials explaining the new regulation.

DOS is actively investigating two asbestos contractors from leads brought by the Underground Economy Task Force. One

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contractor allegedly owes \$347,000 to DUA in unemployment taxes; and the other has possible wage and hour violations that are being investigated by the Attorney General's Office. Other ongoing investigations by DOS developed from Task Force leads involve temporary labor or employment agencies. In one case, it is alleged that a temporary labor agency has already been placing workers, prior to them filing for a license. The other case involving an employment agency is for allegedly taking illegal deductions from the workers.

April 2008:

DOS continues to work with the Massachusetts Attorney Generals Office in attempting to track down persons involved with producing counterfeit DOS asbestos licenses.

Salem Harbor Power Plant - DOS continues to work cooperatively with DEP to address asbestos concerns and perform inspections at the Power Plant. Boilers #1 and #2 are online, and producing energy. Boiler #3 asbestos work is soon to be completed and repairs to the boiler can commence shortly thereafter. Boiler #4 is still undergoing repairs.

Trenching Outreach materials - Asbestos/Lead inspectors have begun stopping by trenching/excavation sites during their travels to make operators more aware of the new trenching requirements. During the month of April, 18 visits were performed and outreach material distributed at each inspection.

Underground Economy Task Force Meeting - DOS is one of several state agencies involved with the Underground Economy Task Force. DOS has been attending weekly meetings with the Task Force to screen tips/complaints/referrals. Several tips are currently under investigation by the Task Force, none yet that directly involve DOS.

March 2008

DOS continues to work with DEP on a number of projects, including the Salem Harbor Power Plant and an ongoing investigation of an illegal asbestos removal in Attleboro.

DEP and DOS have been monitoring cleanup work, and visual and air clearance testing in different phases of the Power Plant. Boiler #2 is online and producing power again, and Boiler #1 is scheduled to be fired up early next week. Repairs to Boiler #3 (the boiler that caused the accident) is still undergoing repairs, and preventive maintenance is being done on Boiler #4.

Both DEP and DOS witnessed the opening of 22 metal drums containing asbestos debris illegally removed from an abandoned warehouse in Attleboro. Inside the drums was broken asbestos floor tile that matched other debris found at that site. The drums had been transported to an asbestos contractor facility in North Dartmouth.

The cooperative investigation with DOS and the Attorney General's Office into the counterfeiting of DOS-issued asbestos licenses continues.

A member of the Occupational Hygiene/Indoor Air Quality Program put on a seminar on the new Trenching Regulations, DOS field inspectors have already stopped by 6 trenching operations to offer outreach materials to inform contractors of the new law.

February 2008

A fourth counterfeit asbestos license was discovered at an asbestos abatement job site. DOS is currently working with the AGO and the Massachusetts State Police to investigate this matter.

DOS and DEP continue to conduct joint inspections at the Salem Harbor Power Plant. DOS/DEP recently came to an agreement with Dominion to allow clean-up work in some areas of the Plant to be done as Operations and Maintenance type work, thus allowing less restrictive work practices. This simpler process will allow the clean-up work to be done quicker, which would allow the plant to come back on-line sooner. Both agencies continue to share information with OSHA to ensure the work is being done safely and in compliance with state and federal regulations.

DOS heard a case from one of its inspectors regarding an unlicensed person disturbing/removing some asbestos pipe insulation during the installation of a new boiler. The matter is being referred to both the AGO and the Division of Registration.

January 2008

DOS continues to monitor the cleanup work being done up at the Salem Harbor Power Plant. Recently, an extensive dust sampling study was conducted to try and determine the extent of the contamination caused by the boiler explosion, and if the boiler incident had significantly contributed asbestos contamination to the dust levels already in the plant. The study concluded that except in the immediate area of the boiler incident, the incident did not cause significant asbestos contamination throughout the Boiler House. Based on those conclusions, the work plan has been modified and DOS and DEP are reviewing those modifications.

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Also, up in Salem, three (3) counterfeit asbestos worker licenses were discovered by DOS inspectors. The three workers, at different times, had tried to either renew their licenses or obtain duplicate licenses, but because they had previous training at ECT, Inc., they were told they would need to take our proficiency exam or get re-trained before we could issue them a license. Then, during a routine license check by DOS, the inspectors spotted the frauds. The licenses were confiscated, and the workers were not allowed to return to work. Information was passed along to the Attorney General's Office and they are looking into the matter.

Workers requesting to take the proficiency exam have also picked up the last couple weeks. After giving only 11 exams in November, December, and the first week of January, since discovering the counterfeit license, we have given 11 exams the past two weeks, and we having been getting a lot more phone calls to schedule more exams. In January, 19 people took the exam; 14 received passing grades, 5 failed. Of the 19 people, three were supervisors, and they all passed the exam.

December 2007

On December 21, 2007 DOS provided an AHERA management plan review for the Advanced Math & Science Academy.

DOS continues to be heavily involved in the cleanup of the asbestos contamination at the Salem Harbor Power Plant. DOS, working in cooperation with both DEP and OSHA, review work plans of the different phases drafted by consultant and abatement contractors and provide comments back to them. DOS and DEP both conduct inspections during both prep work and during the cleaning processes. Currently, Phase 1, the cleaning of the Turbine Hall, is near completion; and prep work for Phase 2 has commenced. There are still missing pieces of the exploded boiler tubes that are missing, and plans to sift through the fly ash to search for those pieces have been drafted, but not yet commented upon. DOS worked in cooperation with DIA, sharing information and performing inspections in attempts to track down contractors lacking workers comp insurance. Through a complaint, DOS had learned of an asbestos contractor who did not have workers comp coverage. DOS contacted DIA, and verified that information. DOS is currently investigating whether that contractor falsified a document stating that they did have workers comp coverage at the time they filed their application for renewal. DOS is involved in an asbestos case that has been referred to the Attorney General's Office for violations of the asbestos regulation by an unlicensed entity. That case is still being investigated and DOS is planning to meet with the AGO to discuss the case.

November 2007

DOS is involved in the cleanup of the Salem Harbor Power plant which was contaminated with asbestos dust after some boiler tubes ruptured in the #3 Boiler spewing asbestos laden dust all over the inside of the Boiler House. DOS is working cooperatively with DEP, OSHA, DPS and Dominion (the owners of the power plant in providing consultation, work plan review, approval and monitoring to ensure the work proceeds safely and in accordance with all applicable regulations. The cleanup of the facility is projected to take 6-8 weeks working 2 shifts per day, 7 days a week.

The number of people taking the DOS Proficiency exam developed for applicants who have taken training from Environmental Compliance Training (ECT) have decreased since its inception in September. This month only three people had taken the exam. Two applicants took the English exam as supervisors and one person took the Spanish version. All three applicants successfully completed the exam.

DOS investigated a complaint with DEP and the local Health Department in Norwood. This case involved a property owner disturbing some pipe insulation. This case required decontamination of the whole basement and removal of remaining asbestos pipe insulation. The Health Department condemned the first floor apartment and ordered a cleanup.

DOS also investigated an asbestos and lead case in New Bedford in conjunction with the New Bedford Health Department, the New Bedford Building Department and the DEP Lakeville office. The case involved workers scraping lead paint from a church without proper protection. The workers also cleaned out a crawl space that contained asbestos pipe insulation in very poor condition. During the cleanup some friable material was brought outside and mixed with some debris. In this case New Bedford Inspectional services condemned the building and had stopped the renovation that was taking place. Some of the workers were tested for lead and were considered lead poisoned.

The laboratory of DOS Newton was audited by the American Industrial Hygiene Association Protocols. Quality control procedures were reviewed and updated. After finding only some minor deficiencies, it is anticipated that the laboratory will maintain its accreditation.

October 2007

In October 2007 DOS attended a CONES meeting in Harrisburg PA.. Mr. Ernest Kelley provided a presentation detailing DOS' experience with the document authentication system purchased from Assuretec Systems Inc. and how the system is now installed in three branch offices and has assisted in detecting falsified licenses and other identification documents during licensing.

During the month of October DOS conducted several joint inspections with other agencies, including MA-DEP, the Attorney General's Office-Environmental Strike Force, and a local Health Department. These inspections are due to on-going

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investigations with the AGO involving asbestos removal by unlicensed persons.

DOS conducted pre-abatement and post-abatement inspections at the Dedham Fire Station to monitor the cleanup of the contamination created by the hydro-blasting to remove the garage floor. That project is now completed and will be moving into the next phase of the project.

Respectfully Submitted,



Róbert Nicotera, Environmental Engineer for
Ernest Kelley, Program Manager

7/18/08