

## EXHIBIT 2-Z

### ASBESTOS REGULATIONS

<http://deq.mt.gov/Asbestos/default.mcpix>

This article taken from the Fall 2003 edition of *Big Sky Clearwater*, published by the Montana Department of Environmental Quality (DEQ), discusses some of the asbestos regulations that relate to public and commercial building owners; it also provides some ways of dealing with asbestos containing materials (ACM).

For additional information, contact the *Montana DEQ Asbestos Control Program*:  
(406) 444-5300

<http://deq.mt.gov/Asbestos/default.mcpix>

and

<http://svc.mt.gov/deq/mail/AsbestosMail.asp>

Please note: Various asbestos regulations apply to each asbestos situation. Asbestos regulations that apply to public and commercial buildings differ from those that apply to schools, single-family dwellings, and other buildings. The intent of asbestos regulations is to prevent asbestos releases and exposures.

#### **As a Public or Commercial Building Owner, What Asbestos Regulations Govern My Asbestos and Me?**

In Montana, activities involving asbestos in commercial buildings are governed by one or more regulatory authorities, such as State of Montana DEQ, Federal EPA, and OSHA; in many cases jurisdictions and regulations overlap.

The Asbestos Control Program of the Department of Environmental Quality (DEQ) regulates and permits asbestos abatement projects, accredits asbestos-related occupations, provides compliance assistance, and administers certain sections of the Environmental Protection Agency's National Emission Standards for Hazardous Air Pollutants (NESHAP) regulation. The Asbestos Control Program regulates asbestos abatement activities involving three (3) or more square or linear feet of ACM. Asbestos abatement activities must be permitted through the Asbestos Control Program and must be conducted by accredited asbestos personnel following proper asbestos abatement, transportation, and disposal procedures.

Most of the asbestos activity in Montana involves building renovation and demolition activities. The NESHAP has a specific standard that addresses building renovations and demolitions; 40 CFR 61.145. In order to determine which requirements apply to a building owner or contractor of a renovation or demolition, an asbestos inspection is required. An asbestos inspection not only locates, quantifies, and assesses the condition of asbestos, it also provides information as to whether an asbestos containing material is regulated and regulated by which authority. According to EPA and Asbestos Control Program regulations, an accredited asbestos inspector must perform the asbestos inspection. Typically, samples of suspect asbestos containing materials are collected by the inspector for laboratory analysis. Sample analytical costs range from \$15-30/sample. Asbestos Control Program regulations require sample analysis be done by a laboratory approved by the National Institute of Standards and Technology (NIST). In some cases it can be assumed a material contains asbestos, saving an owner some money.

The [Montana DEQ] Asbestos Control Program maintains a list of accredited and approved  
Community Development Block Grant (CDBG) Program  
Montana Department of Commerce

CDBG / NSP Administration Manual  
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asbestos inspectors and laboratories available for your reference. Contact them for specific cost and inspection information.

In a demolition or renovation where regulated ACM is identified by the asbestos inspection, the regulated ACM would need to be removed by an accredited asbestos abatement contractor following proper abatement procedures under an asbestos abatement project permit issued by the Asbestos Control Program. The building owner or abatement contractor would apply for the permit using a form available from the Asbestos Control Program called the "Montana Asbestos Abatement Project Permit Application and NESHAP Demolition/Renovation Notification." A permit fee based on the asbestos abatement contract volume would apply. A seven (7) or ten (10) day notification period, depending on the asbestos abatement contract volume, would also apply.

In a demolition where no regulated ACM is identified by the asbestos inspection, the owner or demolition contractor must notify the Asbestos Control Program of the demolition using the same form as above, "Montana Asbestos Abatement Project Permit Application and NESHAP Demolition/Renovation Notification." No fee applies to demolition notifications where no regulated ACM is identified; however, a ten (10) day notification period is required.

In a renovation where no ACM is identified by the asbestos inspection, no notification to the Asbestos Control Program is required!

Even though the Asbestos Control Program is delegated by EPA to administer the NESHAP, EPA is also active in Montana regulating asbestos on Indian Reservations, in private and public kindergarten through twelfth grade schools, and other buildings. Montana is part of EPA's Region VIII including North and South Dakota, Wyoming, Utah, and Colorado.

Another asbestos authority is Federal OSHA (Occupational Safety and Health Administration). OSHA regulates worker safety and health as they relate to asbestos in the general and construction industries. Prior to initiating construction activities, OSHA's asbestos standard also requires an asbestos inspection as part of its hazard communication requirement. The Asbestos Control Program's regulations have adopted by reference some of OSHA's asbestos regulations; however, for more complete information on OSHA's regulatory requirements, contact OSHA's office in Billings at (800) 488-7087.

City or county governments such as local building permitting offices or local environmental health or sanitarian's office may also have asbestos requirements, contact them before initiating demolition or renovation work. City or county governments issue building permits for general renovation/demolition activities; however, don't be tricked assuming that permit will satisfy the Asbestos Control Programs asbestos abatement permit and demolition/renovation notification requirements.

A final asbestos authority is the landfill. Prior to initiating asbestos work, contact your local landfill and learn about their asbestos disposal requirements. In many cases landfills do not accept ACM and the last place you want to learn that is at a landfill's gate. According to State of Montana Refuse Disposal Rules and the Asbestos Control Program regulations, asbestos must be disposed of in a State-approved Class II landfill.

### **Options: A Solution Exists!**

At this point you may be scratching your head over asbestos regulations; however, rest assured that regulations exist to prevent asbestos exposure; they also may assist in limiting certain liabilities. As an owner of a commercial building that may contain asbestos, you have a few options. Armed with

an asbestos inspection telling you where ACM is located, one option is to leave the ACM in place. If you do not have plans to renovate or demolish your building, the option of leaving the ACM in place is economical. Providing the ACM is in good condition, not causing exposures, and not prone to damage, the ACM can be left in place, managed, and monitored periodically for damage.

**A second option is** to encapsulate the ACM. Encapsulation involves treating the ACM with a substance that surrounds or embeds asbestos fibers. There are commercially available encapsulants and mastics specifically manufactured for such applications.

**Another option is enclosure.** Enclosure involves installing an airtight, impermeable, and permanent barrier around the ACM to prevent the release of asbestos. Removal is another option involving the physical removal of the material. Removal may be the only option in building demolitions or renovations.

Encapsulation, enclosure, and removal fall into the definition of asbestos abatement. In Montana, asbestos abatement actions include encapsulation, enclosure, removal, repair, renovation, placement in new construction, demolition, transportation, and disposal of friable or potentially friable asbestos containing material. Abatement actions of three (3) or more square or linear feet of ACM must be permitted through the Asbestos Control Program.

As mentioned earlier, accredited asbestos personnel following proper abatement, transportation, and disposal procedures must perform abatement actions. The Asbestos Control Program has lists of accredited asbestos personnel available for your reference.

Asbestos regulations and abatement options can be confusing; however, we at the Montana DEQ Asbestos Control Program are available to discuss your asbestos issues, so before you deal with asbestos, contact us at the Asbestos Control Program for compliance assistance:

**Montana Department of Environmental Quality**

**Asbestos Control Program**

1520 E. Sixth Avenue

P.O. Box 200901

Helena, MT 59620-0901

Office Phone: 406-444-5300

Fax: 406-444-1374

<http://deq.mt.gov/Asbestos/default.mcp>

and

<http://svc.mt.gov/deq/mail/AsbestosMail.asp>

## **ASBESTOS CONSULTANTS/CONTRACTORS/LABORATORIES**

### **ASBESTOS CONSULTANTS**

#### **ACM**

Lyn Lang  
P.O. Box 324  
East Helena, MT  
(406) 431-7457

#### **ASPEN CONSULTING & ENGINEERING, INC.**

Alice M. Santos  
P.O. Box 4822  
Helena, MT 59604  
(406) 457-5188

#### **CA-I**

Norm Irish  
2638 Rimrock Road  
Billings, MT 59102  
(406) 656-0718  
Fax: (406) 656-6910

#### **CASNE & ASSOCIATES, INC.**

Ed Casne  
P O Box 5957  
Helena, MT 59604  
(406) 443-1656  
Fax: (406) 449-3845

#### **EASTERN MONTANA ENVIRONMENTAL**

Dave Hrubes  
#1 Royal Avenue  
Richey, MT 59259  
(406) 773-5889  
Fax: (406) 773-5554

#### **FALLS ENVIRONMENTAL**

Cheyenne Evanson  
PO Box 313  
Black Eagle, MT 59414  
(406) 727-3578 office  
(406) 590-1171 cell

#### **INDUSTRIAL SAFETY & CONSULTING**

Ralph DeLong  
P O Box 9217  
Helena, MT 59604  
(406) 443-3369 or  
(888) 844-3369  
Fax: (406) 443-0733

#### **MAXIM TECHNOLOGIES, INC.**

Roger W. Herman, Jr.  
600 South 25th Street  
P O Box 30615  
Billings, MT 59107  
Voice: (406) 248-9161  
Fax: (406) 248-9282

Roger Herman Jr  
201 S. Wallace #B3A  
Bozeman, MT 59715  
(406) 582-8780-Bozeman  
(406) 248-9161-Billings

Richard Leferink & Dave Simonson  
303 Irene Street (59601)  
P.O. Box 4699 (59604)  
Helena, MT  
(406) 443-5210  
Fax: (406) 449-3729

Don May  
2436 Dixon  
P.O. Box 2730  
Missoula, MT 59806  
(406) 543-3045  
Fax: (406) 543-3088

Peter Klevberg  
1601 2<sup>nd</sup> Avenue North  
Great Falls, MT 59401-3259  
(406) 453-1641  
Fax: (406) 771-0743

#### **MCS ENVIRONMENTAL, MOUNTAIN LABS**

Wade Johnston & Dan Bennett  
5562 Alloy South  
Missoula, MT 59808-9621  
(406) 728-7755 or (800) 735-7095  
Fax: (406) 728-7367

#### **MORRISON MAIERLE**

Tom Heinecke  
1228 Whitefish Stage Rd.  
Unit 3A  
Kalispell, MT 59901  
(406) 752-2216  
Fax: (406) 752-2391

**NORTHERN BUILDING INSPECTION SERVICE**

Ken Whitaker  
P O Box 333  
Denton, MT 59430  
(406) 567-2438

**NORTHERN INDUSTRIAL HYGIENE**

Kevin Oliver  
100 North 27th Street, Suite 550  
Billings, MT 59101  
(406) 245-7766  
Fax: (406) 254-1428

**PIONEER ENGINEERING, INC.**

Walter Ware P.E.  
409 Timmons  
Box 756  
Scobey, MT 59263  
(406) 487-5170

303 Irene Street (59601)  
P.O. Box 4699 (59604)  
Helena, MT  
(406) 443-5210  
Fax: (406) 449-3729

Don May  
2436 Dixon  
P.O. Box 2730  
Missoula, MT 59806  
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Peter Klevberg  
1601 2<sup>nd</sup> Avenue North  
Great Falls, MT 59401-3259  
(406) 453-1641  
Fax: (406) 771-0743

**RESOURCE TECHNOLOGIES, INC.**

Cal Zanella  
601 Nikles Drive, Suite 14  
Bozeman, MT 59715  
(406) 585-8005  
Fax: (406) 585-0069

**TERRACON CONSULTANTS WESTERN, INC.**

Merle Listoe & Rick Foust  
2110 Overland Ave., Suite 124  
Billings, MT 59102  
(406) 656-3072  
Fax: (406) 656-3578

**"Y" ENVIRONMENTAL**

Yon Malkuch  
PO Box 433  
Sheridan, WY 82801  
(307) 672-3937  
Fax: (307) 674-6334

## **ASBESTOS CONTRACTORS**

### **BRICKLEY CONSTRUCTION CO., INC.**

Bruce Ingraham & Jim Chelini  
222 E. Park  
Butte, MT 59701  
(406) 723-7885  
Fax: (406) 723-7886

### **ENVIROCON, INC.**

Michael S. Stevenson  
PO Box 16655  
Missoula, MT 59808  
(406) 523-1181

### **ENVIRONMENTAL CONTRACTORS**

Frank Kolendich & Steve  
Shroeder  
P O Box 80107  
Billings, MT 59108  
(406) 652-6337  
Fax: (406) 652-1724

Craig Foust & Steve Schaff  
PO Box 459  
Missoula, MT 59806  
(406) 327-0271  
Fax: (406) 327-0276

### **ENVIRONMENTAL MANAGEMENT SERVICES**

Richard Galbraith  
P.O. Box 4598  
Helena, MT 59604  
(406) 227-5614

### **FALLS ENVIRONMENTAL**

Cheyenne Evanson  
PO Box 313  
Black Eagle, MT 59414  
(406) 727-3578 office  
(406) 590-1171 cell

### **INTERSTATE INSULATION AND CONTRACTING**

Dallas Cranford, Owner  
Randy Warnke, President  
3010 Rimrock Road  
Billings, MT 59102  
(406) 655-3388

### **IRS ENVIRONMENTAL, INC.**

Robert Reed & Carl Burnham  
East 12415 Trent  
Spokane, WA 99216  
(509) 927-7867  
Fax: (509) 928-3933

### **JACKS TECHNICAL ASSISTANCE, INC.**

Jack Campbell  
#4 Wood Court  
Helena, MT 59601  
(406) 443-1392

### **QUALITY URETHANE**

Curt Bedwell  
808 4<sup>th</sup> Avenue SW  
Great Falls, MT 59404  
(406) 727-8103  
Fax: (406) 454-0731

### **SAFETECH, INC.**

Leonard Cranford  
4515 Rimrock Road  
Billings, MT 59106  
(406) 651-0011  
Fax: (406) 651-027

### **SCOTT FITZPATRICK**

PO Box 1729  
Helena, MT 59624  
(406) 439-1979

### **SPECIALTY CONTRACTORS, INC.**

Lowell Thomson & Jim Gwinn  
P O Box 998  
Post Falls, ID 83834-9980  
(509) 535-0666  
Fax: (509) 536-9672

### **WESTERN STATES ABATEMENT**

Dick Galbraith  
P O Box 4598  
Helena, MT 59604  
(406) 227-5614  
Fax: (406) 227-5606

Wayne Schwoob  
P O Box 16105  
Missoula, MT 59808-6105  
(406) 543-4093  
Fax: (406) 543-4872

## **LABORATORIES (PLM, PCM, TEM, SEM)**

### **NORTHERN ANALYTICAL LABORATORIES, INC.**

Kathy Smit  
PO Box 30315/602 South 25<sup>th</sup> Street  
Billings, MT 59107  
(406) 254-7226  
Fax: (406) 254-1389

### **BRAUN INTERTEC ENVIRONMENTAL, INC.**

Beth Regan & Steve Felton  
6875 Washington Avenue South  
PO Box 39108  
Minneapolis, MN 55439-0108  
(612) 942-4828  
Fax: (612) 942-4844

### **EMSL ANALYTICAL, INC**

107 Hadden Avenue  
Westmont, NJ 08108  
(800) 220-3675

### **RESERVOIRS ENVIRONMENTAL SERVICES, INC.**

Robert Dickson & Paul LoScalzo  
1827 Grant Street  
Denver, CO 80203  
(303) 830-1986 or (800) 678-7374  
Fax: (303) 863-9196

### **MCS ENVIRONMENTAL/MOUNTAIN LABS**

Wade Johnston & Dan Bennett  
5562 Alloy South  
Missoula, MT 59808-9621  
(406) 728-7755 or (800) 735-7095  
Fax: (406) 728-7367



**DISCLAIMER:** This list is for informational purposes only. Asbestos-related work must be performed by state-accredited asbestos personnel. Prior to hiring an asbestos contractor, consultant, or laboratory verify that the personnel or lab are accredited. You may call the Program for such information at (406) 444-3490  
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