COOPERATIVE AGREEMENT BETWEEN OKLAHOMA DEPARTMENT OF LABOR (ODOL) AND OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY (ODEQ)

The Oklahoma Department of Labor (ODOL) and the Oklahoma Department of Environmental Quality (ODEQ) (collectively "Agencies") acknowledge an existing overlap in regulatory oversight of asbestos contractors involved in demolition and/or renovation projects with materials containing friable asbestos. In an effort to eliminate any possible burdensome overlap to asbestos contractors and building owners, the Agencies have reached a Cooperative Agreement clarifying their unique roles and responsibilities during the abatement of friable asbestos material, as follows:

- Agencies shall work cooperatively within their respective areas of jurisdiction, ensuring neither shall compromise the integrity, effectiveness, or safety of the other.

- Agencies shall cooperate in the sharing of documents, reports, and notifications as needed.

- Agencies recognize the Commissioner of Labor's/ODOL's primary regulatory authority over the abatement of friable asbestos within the State of Oklahoma. ODOL shall inspect all friable asbestos abatement projects as required by statutory authority.

- Agencies recognize the ODEQ's regulatory authority under the Oklahoma and Federal Clean Air Acts, including the National Emission Standard for Hazardous Air Pollutants (NESHAP).

- ODEQ shall not conduct inspections during a friable asbestos abatement project as described in OAC 380:50-1-2 through 380:50-29-1, except upon complaint or suspicion of violation of the Oklahoma and Federal Clean Air Acts, OAC 252:100, 40 C.F.R. Part 61, Subpart M, during load out operations, or as requested by ODOL.

- ODOL shall be responsible for plan review of workplace asbestos abatement projects. If ODOL has any concerns related to release or NESHAP program issues ODOL shall consult with ODEQ. ODEQ shall not request a review of plans for asbestos abatement projects from contractors unless needed to verify NESHAP compliance.

- Agencies recognize ODEQ's primary regulatory authority over NESHAP notification and verification of demolition and renovation of projects within the State of Oklahoma. This includes, but is not limited to, demolition and renovation that occur after the asbestos contractor has passed ODOL's final inspection of the abatement project.

- If ODEQ receives a complaint or suspicion of violations related to asbestos believed to occur within ODOL jurisdiction, ODEQ shall notify and work cooperatively with ODOL to resolve the complaint. Any investigation requiring ODEQ inspections of workplace asbestos abatement projects shall require prior notice to ODOL

- If ODOL receives a complaint or suspicion of violations related to the Oklahoma and Federal Clean Air Acts, including NESHAP, occurring within ODEQ's jurisdiction, ODOL shall notify and work cooperatively with ODEQ to resolve the complaint. Any investigation requiring ODOL inspections falling within ODEQ's jurisdiction shall require prior notices to ODEQ.

- Agencies shall develop Standard Operating Procedures (SOPs), ODOL shall develop SOPs for asbestos abatement projects/sites, and ODEQ shall develop SOPs for NESHAP inspection projects/sites. These SOPs shall be made available to contractors and building owners upon request, and/or posted on each agency's website.

- ODOL shall consult with ODEQ on any updates to training related to workplace asbestos abatement and ODEQ shall provide assistance with any training related to NESHAP, and Agencies shall host joint training session(s) for staff as determined necessary.

- Agencies shall immediately notify the other in advance of taking regulatory action, except in cases of emergency to protect the environment or public, of situations arising outside of each agency's SOP that may affect the other agency.

- Agencies shall adhere to all provisions of the cooperative agreement unless, and until, such time as one agency provides the other with written notice that the agreement is in error, incomplete, or otherwise insufficient; the agency believing the cooperative agreement to be in error, incomplete, or otherwise insufficient shall proffer suggested revision(s) addressing such concerns; agencies shall work cooperatively to correct such concerns; only those provisions believed to be in error, incomplete, or otherwise insufficient shall be affected by the written notice, all other provisions shall remain in effect unless, and until, the entire cooperative agreement is rejected.

- This Cooperative Agreement will remain in effect until terminated by either of the Agencies. A written termination notice will be made thirty (30) days in advance and include the reason for termination.

AGENCIES' JURISDICTION

ODOL has certain legal responsibilities regarding the regulation and oversight of the abatement of friable asbestos in the workplace within the State of Oklahoma, as set forth in the Oklahoma Asbestos Control Act, 40 O.S. §§450-457 and the Abatement of Friable Asbestos Materials Rules, Oklahoma Administrative Code (OAC) 380:50. These responsibilities include, but are not limited to, ensuring workers' safety and the proper containment of airborne, visible emissions from asbestos abatement containment areas.

ODEQ has certain legal responsibilities regarding the regulation and oversight of the environmental impact of the abatement of friable asbestos within the State of Oklahoma, as set forth in 27A O.S. §§1-1-101, et seq. These responsibilities include, but are not limited to, certain legal obligations within the Oklahoma and Federal Clean Air Acts and any agreements executed between ODEQ and the Environmental Protection Agency (EPA).

AGENCY CONTACTS

Asbestos contractors, building owners, or members of the public who have concerns with either agency's compliance with the provisions of this cooperative agreement are encouraged to contact the agencies as follows:

Mark Costello, Labor Commissioner
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IT IS AGREED.

Diana L. Jones
Diana Jones, OSHA Director, ~~ODOL~~

4/15/15
Date

Eddie Terrill, Air Quality Division Director, ODEQ

4/15/15
Date