

Charles Walking Child
P.O. Box 4278
Helena, MT 59604
Email: risinglightning@yahoo.com
Cell: 406-461-4839

January 23 2015

Natural Resources
Legislative Committee
State of Montana

Re: House Bill No. 239
INTRODUCED BY J. ESSMANN

A BILL FOR AN ENTITLED "AN ACT DEFINING THE TERM "REGULATED ASBESTOS-CONTAINING MATERIAL" IN ASBESTOS PROJECTS REGULATED BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY; AND AMENDING SECTIONS 75-2-502 AND 75-2-519

Dear Committee

I respectfully thank you for the opportunity to provide testimony concerning this change to the Asbestos Control Act, and to bring to your attention other areas of concern and ask that there be a committee inquiry with the Asbestos Control Program.

The asbestos control program has gone out in their program guidelines of authority and has become unprofessional towards those of us in the industry, that work hard, to make a honest living. There is constant harassment towards us contractors and their actions and circumventing the law has caused great distress among the contractors and consultants who work hard to perform work accordingly. I request the following measure to get this out of control program back on track. Here are a few examples I believe need to be addressed.

1. To reintroduce the whole Asbestos Control Act for review.
2. To review a program that is operating in a constant Negative Budget.
3. The asbestos staff and their administrator from Ed Thankme on down have a unprofessional type attitude towards those of us contractors and are constantly circumventing the rules to create a dictatorship toward those of us in the industry who chose to work a regulated industry. Their focus should be on targeting those who are not in compliance with the rules and regulation of the act.
4. This program has cost the City of Billings Montana over \$500,000.00 of taxpayers' money on requiring the disposal of the Billings Library. Their methods of sampling were not in compliance with proper protocol for sampling.

5. The program constantly operates in the negative. This is poor program government. If these Individuals were employed in the private sector and were operating with the attitude and were constantly operating in the negative they would be fired. It should not take the court to resolve this issue, I believe our legislature needs to take legislative inquiry session into the Asbestos Control Program.

This Program and their actions needs to be addressed. It is apparent that the DEQ Director is not addressing the program and their actions. The Administration has taken no action to address this situation.

Therefore I request of the people's representatives to seriously look into this matter through Legislative Action.

ASBESTOS CONTROL PROGRAM

September Fiscal Year 2015

Revised: 9/30/2014

Highlighted cells are formulas from your roll-up sheet for all organizational units.

	Budget	Expenditures	% Expend	Remaining Projected Expend	Total Projected	Remaining Balance	% Remaining	
61000 Personal Services	253,184	76,984	30.41%	163,323.55	240,308	12,876	5.36%	
62000 Operating	106,874	23,836	22.30%	72,257	96,094	10,780	11.22%	
63000 Equipment	0	0	-	0	0	0	-	
66000 Grants	0	0	-	0	0	0	-	
68000 Transfers	0	0	-	0	0	0	-	
Totals:	360,058	100,821	28%	235,581	336,401	23,657	7.03%	
03433 435H7	PPG GRANT 574831	88,750	9,648	10.87%	78,412	88,060	690	0.78%
03433 435F1	PPG GRANT	0	0	#DIV/0!	0	0	0	#DIV/0!
01100 435F2	General Fund Carryforward 574834	0	0	#DIV/0!	0	0	0	#DIV/0!
02202 435H7	REGULATION FEES 574832	271,308	91,172	33.60%	157,169	248,341	22,967	9.25%
Totals:	360,058	100,821	28.00%	235,581	336,401	23,657	7.03%	
CHECK	0.00	(0.00)		0.00	0.00	0.00	0.00	

STATE SPECIAL FEES 02202

Projected Revenue	FY 2015 FUND ACTIVITY			% Revenue	Received YTD	Revenue Query Check
	Projected	YTD Actuals	Difference			
502701	113,000	2	(112,998)	0%	0	574833 574833502701
502702	112,000	90,156	(21,844)	80%	0	574832 574832502702
502703	4,400	0	(4,400)	0%	0	574836 574836502703
502704	20,300	10,003	(10,297)	49%	0	574835 574835502704
502705	0	0	0	#DIV/0!	0	574832 574832502705
512033	-	-	-	-	-	
120520	-	-	-	-	-	
302826	-	-	-	-	-	
Totals:	\$249,700	\$100,160	(149,540)	40%		
	Revenue check to CB	76,006				
	Difference	24,154				

Projected Expenditures	Projected	YTD Actuals	Difference
Operating O/U 574-832, 833, 835 & 836	248,341	90,157	(158,184)
Attorney Pool 120520	25,906	7,841	(18,065)
Enforcement 302826	35,199	10,514	(24,685)
Totals:	\$309,446	\$108,512	(200,934)
Projected Net:	(59,746)	(8,352)	

Beginning Cash	\$ 12,980
Add Projected Revenue	\$ 249,700
Total Projected Revenue	\$ 262,680
Less Projected Expenditures	\$ 309,446
PROJECTED ENDING CASH BALANCE	\$ (46,766)
AVAILABLE FUNDS FOR THE MONTH	\$ (19,525.89)

Updated for: October FY 2015

Band	POS #	NAME	TITLE	Asbestos		BASE RATE	Raise
				ORG 574831	ORG 574832		
8	53100016	DEARMENT, JOHN	DIVISION ADMINISTRATOR		0.010	42,428	44,125
5	53100408	VACANT	ADMINISTRATIVE SPECIALIST		0.010	16,591	17,254
6	53140070	KELLY, DENISE	FINANCIAL OPERATIONS MGR		0.010	27,688	28,796
6	53100459	PETERSON, LISA	COMMUNICATIONS OFFICER		0.010	21,386	22,241
3	53100427	Allen (Gable), Amar	ADMINISTRATIVE ASSISTANT		0.100	12,252	12,742
3	53100417	Larson, Jaime	ADMINISTRATIVE ASSISTANT		0.050	11,080	11,523
7	53100421	Thanke, Edward A	ENVL PROGRAM MGR (BC)		0.080	35,963	37,401
4	53101101	Murray (Seibert), M:	ADMIN SUPPORT SUPERVISOR		0.080	19,340	20,114
3	53100465	Handy, Bettie (Jane)	ADMINISTRATIVE ASSISTANT		0.050	13,615	14,159
					0.080	27,542	28,644
					0.040	15,958	16,596
					0.080	26,783	27,854
6	53100601	Kurvink, Greg	ENVIRONMENTAL SCIENCE SPC		0.500	24,272	25,243
7	53100335	Grittm, Deborah A	ENVIRONMENTAL SCIENCE SPC		0.360	30,729	31,959
4	53100481	Blanton, Kerri	DATA CONTROL TECH		0.200	16,124	16,769
7	53100551	Hall, Mark C	SCIENCE PROGRAM SUP/MGR		0.060	34,722	36,111
5	53100600	Bennet, John	ENVIRONMENTAL SCIENCE SPC		0.500	22,990	23,909
Total FTE					1.060	2,430	