

Solid Waste

Notification of the Discovery of Asbestos-contaminated Soil

Program Description

Asbestos-contaminated soil may be encountered during soil-disturbing activities like underground utility installation and property redevelopment. In some cases, asbestos-containing material and/or asbestos-contaminated soils are known or suspected to be present on a property. In other cases, the site owner or operator may have no reason to know or suspect that they will encounter asbestos contamination during soil-disturbing activities. All asbestos-contaminated soil and asbestos-containing materials that are disturbed must be properly managed and disposed of in order to prevent the release of asbestos fibers into the environment.

Reporting and management of disturbed asbestos-contaminated soil and asbestos-containing material in soil may fall under either Air Quality Control Commission Regulation 8 Part B or the Regulations Pertaining to Solid Waste Disposal Sites and Facilities 6 CCR 1007-2 Section 5. If the disturbed asbestos is part of a facility component (as defined by Air Regulation 8 Part B) where the total quantity of material exceeds the trigger levels of 260 linear feet on pipes, 160 square feet on other surfaces, or the volume to be removed is greater than the volume equivalent of a 55 gallon drum, then reporting and management will be overseen by the Air Pollution Control Division of the Department of Public Health and Environment. If the disturbed asbestos is not part of a facility component, reporting and management will be governed by the Solid Waste regulations.

Who Must Notify

The person who discovers or has knowledge of the discovery of asbestos-contaminated soil must notify the Division within 24 hours of the discovery of visible material containing asbestos in soil or asbestos-contaminated soil during a soil-disturbing activity. This includes the site owner and/or operator and their representative, contractor or consultant.

The site owner and/or operator or their representative, contractor or consultant must notify the Division at least 10-working days prior to any planned soil-disturbing activity in an area of known or suspected asbestos-contaminated soil or material containing asbestos in soil.

Notification Process

In the case of an unplanned discovery of asbestos-contaminated soil during soil-disturbing activities, written notification should be faxed to 303-759-5355, sent as an attachment to email to comments.hmwmd@state.co.us, or delivered by any other means that will ensure notification is received within 24 hours. The [24-hour notification form](#) can be found on the Internet or obtained from the Division.

In the case of planned asbestos-contaminated soil-disturbing activities, written notification should be faxed to 303-759-5355, sent as an attachment to email to comments.hmwmd@state.co.us, or delivered by any other means that will ensure notification is received at least 10-working days prior to any planned soil-disturbing

activities. The [10-day notification form](#) can be found on the Internet or obtained from the Division.

Approval of Management Plan

A written Soil Characterization and Management Plan must also be submitted to the Division for review and approval at least 10-working days prior to any (additional) soil-disturbing activities. When asbestos-contaminated soil is unexpectedly encountered, appropriate immediate and interim actions must be taken to prevent release of and/or exposure to asbestos. Soil-disturbing activities cannot begin (or resume) until the Soil Characterization and Management Plan is approved.

To minimize potential delays, the site owner and/or operator may collaborate with the Division to jointly develop standard operating procedures that will be implemented as needed for all future asbestos-contaminated soil-disturbing activities. If a pre-approved plan is in place, soil-disturbing activities can proceed in accordance with these procedures once the Division has received appropriate notification.

Fees

There are no fees associated with notification. Document review and activity fees are assessed for the Department's technical and administrative time for reviewing soil management plans, as well as other activities as described in Section 1.7 of the regulations. The hourly charge is set at \$125/hr. There are fee ceilings for document review and activity fees, up to \$15,000 per asbestos contaminated soil area per year.

Public Participation

There are no public participation requirements associated with this notification.

Guidance

[\(Draft\) Asbestos-contaminated Soil Guidance Document](#)

Forms

[24-hour Notification of Unplanned Asbestos Discovery](#)

<http://www.cdphe.state.co.us/hm/forms/asbestosnotification24hour.pdf>

[10-day Notification of Planned Asbestos Management](#)

<http://www.cdphe.state.co.us/hm/forms/asbestosnotification10day.pdf>

Statutes and Regulations

CRS 30-20-100.5 et seq.

Regulations Pertaining to Solid Waste Sites and Facilities, 6 CCR 1007-2 Section 5
Control of Hazardous Air Pollutants, 5 CCR 1001-10, Regulation 8 Part B

Division Contact

Customer Technical Assistance

Telephone 303-692-3320

Toll-free 1-888-569-1831 ext 3320

Fax 303-759-5355

Email comments.hmwmd@state.co.us

Web www.cdphe.state.co.us/hm/