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# **Regulation No. 8**

## **Part B – Asbestos**

**Air Quality Control Commission**



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**Colorado Department  
of Public Health  
and Environment**

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PROPOSED CHANGES TO COLORADO REGULATION No. 8, PART B

Draft language Revised 12/27

Words in red/strikethrough - proposed deletions

Words in green - original draft language

Words in pink - new language after the November Public Meeting

Words in purple - new language after the December Public Meeting

I.B.11. Asbestos Abatement means any of the following:

I.B.11.b.(iv). Removing ~~facility materials or~~ components that are asbestos covered or asbestos containing.

I.B.38. Demolition means the wrecking or taking out of any load supporting structural member of a ~~facility building, structure or facility~~ together with any related handling operations or the intentional burning of any ~~facility building, structure or facility~~. Moving a building, structure or facility from a permanent foundation is also considered to be demolition for the purpose of this regulation.

I.B.57. Homogeneous area means an area of surfacing material, thermal system insulation material, or miscellaneous material that is uniform in color, ~~atext~~ Texture and appearance, appears to have been installed at one time, and is unlikely to consist of more than one type, or formulation, of material.

I.B.79. Public and Commercial Building means any building which is not a school building, ~~except that the term does not include any residential apartment building of ten or fewer units.~~ Single-family residential dwellings, ~~except those scheduled for demolition,~~ are excluded from this definition. Common areas of multi-unit dwellings including, but not limited to, hallways, entryways, and boiler rooms are considered to fall under the definition of a Public and Commercial Building. This definition includes all industrial buildings.

I.B.82. Renovation means altering in any way one or more ~~facility building, structure, or facility~~ components. Operations in which load-supporting structural members are wrecked or taken out are excluded. Examples of renovation work include replacement or repair of mechanical ventilation systems, pipes, ceilings, walls, flooring (including floor tiles) and insulating materials.

I.B.96. Single-family residential dwelling or unit means any structure or portion of a structure whose primary use is for housing of one family. Residential portions of multi-unit dwellings such as apartment buildings, condominiums, duplexes and triplexes are also considered to be, for the purposes of this Regulation No. 8, single-family residential dwellings. ~~;~~ The following are not considered to be part of a single-family residential dwelling: Common areas of multi-unit dwellings such as including, but not limited to, hallways, entryways, ~~and~~ boiler rooms, ~~and~~ single-family residential dwellings scheduled for demolition.

I.B.99. Strip means to take off RACM from any part of a ~~facility building, structure, or facility~~ or facility building, structure, or facility components.

I.B.100. Structural member means any load-supporting member of a facility building, structure, or facility, such as beams and load supporting walls; or any non load-supporting member, such as ceilings and non load-supporting walls.

II.A.1.(ii). No certification or registration shall be issued to a person who has failed to pay a Division-assessed penalty for violating any provision of this Regulation No. 8 or to any person who has otherwise failed to comply with any order of the Division, unless the penalty or order is under appeal before the Air Quality Control Commission.

#### II.A.2. Photo IDs and Certificates

Each individual certified under this regulation ~~must~~shall have their state certification photo identification (ID) card ~~or state certificate~~ available at each work site so that Division representatives may check their credentials.

Each individual trained under this regulation ~~must~~shall have a copyies of their most recent training ~~and~~ refresher certificates available at each work site so that Division representatives may check their credentials.

II.E.1. Any person wishing to offer courses in disciplines for which training or certification is required ~~must~~shall be registered as an Asbestos Training Provider. Applicants shall apply to the Division for approval, except for the training referenced in Appendix C. Applicants seeking approval for initial training or refresher training courses shall submit their request to the Division on a form ~~supplied~~specified by the Division along with the written course materials and a fee of \$250.00 per discipline in which they wish to offer courses.

II.E.1.a. After the initial course approval, applicants shall submit their renewal request to the Division on a form ~~supplied~~specified by the Division along with a fee of \$100.00 per discipline in which they wish to offer courses.

II.F. INSTRUCTOR QUALIFICATIONS All courses ~~must~~shall be taught by qualified instructors. The minimum qualifications for instructors shall be:

- II.F.1. A high school diploma or GED;
- II.F.2. Current AHERA training credentials and current Colorado certification for the discipline being taught by the instructor. AHERA training and Colorado certification for the discipline being taught shall be current at the time a course is taught by the instructor. Variances for out-of-state instructors will be considered on a case-by-case basis;
- II.F.3. Three (3) years of field experience in the discipline being taught. This may be obtained by a combination of any of the following items:
- II.F.3.a. Actual field experience in the field being taught, such as; performing abatement activities as a Worker or Supervisor; or performing inspection and/or management planning activities; or performing project design activities; or performing Air Monitoring Specialist activities.
- II.F.3.b. Teaching, as an approved Assistant Instructor, in the discipline, under the supervision of a qualified instructor, with one (1) month of teaching equal to one (1) month of experience.
- II.F.3.c. Collegiate or seminar-type classes, relevant to the discipline for which the individual wishes to receive instructor status (e.g., NIOSH 582, 7400 courses, etc.) with one (1) week of training equal to one (1) month of experience.
- II.F.4. Documentation of experience claimed or instruction received must be provided by the applicant. This ~~must~~ shall include submission of a résumé with telephone numbers, and references, that are provided to allow for verification by the Division.

II.F.5. After reviewing the application for instructor approval, the Division shall inform the applicant in writing whether or not they can be considered to have contingent approval as a Full Instructor or as an Assistant Instructor. The applicant may then begin instructing asbestos courses in Colorado. Final approval will not be granted until the Division has audited an instructor's courses and determined that the instructor meets the minimum standards required. The Division shall inform the applicant in writing when they have approval as a Full Instructor or as an Assistant Instructor.

II.F.5.a. -Full Instructor means an individual who meets the minimum qualifications under subsection II.F. (Instructor Qualifications). The Full Instructor shall be able to deliver all of the training material for the course and may supervise an Assistant Instructor.

II.F.5.b. Assistant Instructor means an individual who does not meet the minimum qualifications under subsection II.F. (Instructor Qualifications). The Assistant Instructor may be qualified to instruct one or more specific

course topics on their own, if qualified by education or experience in each topic area or, under the direct supervision of an onsite Full Instructor, may instruct additional course topics.

II.F.5.c. Guest Speaker means an individual who is not a Full Instructor or Assistant Instructor, but is qualified on the basis of professional expertise to address a specific topic of an approved training course. A Guest Speaker must provide written documentation detailing the speaker's experience, training, and/or academic credentials to the Training Provider, prior to conducting training.

II.F.6. No person who has failed to pay a Division-assessed penalty for violating any provision of this Regulation No. 8 or any person who has otherwise failed to comply with any order of the Division, unless the penalty or order is under appeal before the Air Quality Control Commission, may perform the duties of an instructor approved under Section II.F.

## II.G. TRAINING COURSE NOTIFICATIONS

II.G.1. On a form specified by the Division, Training course providers must notify the Division in writing of scheduled courses at least two weeks (10 working days) prior to the offering of the course. Notification of course cancellations must be provided to the Division by 5:00 p.m. the day prior to the course offering.

Used to be II.E.7. Move to II.G.3. On each course notification, the Training Provider shall show what portions of the course will be taught by each approved instructor or guest speaker.

II.G.4. For any course in which training or certification is required, the Training Provider must submit, on a form specified by the Division, a list of students who took the course and a fee of \$10.00 per student to the Division no later than 30 calendar days after the conclusion of the course.

## II.H. TRAINING COURSE AUDITS

The Division may audit any training course given for the purpose of preparing individuals for State certification. Any significant omissions or deficiencies may result in the de-certification of ~~the~~ a course or the disapproval of an instructor. There will be no charge to the Division for auditing a training course.

## II.I. RECIPROCITY

II.I.1. An individual who has a valid AHERA training certificate, ~~license or other registration~~ from another state, District of Columbia, ~~or~~ other territory of the United States, or other Division-approved national entity (specifically, the National Asbestos Examinations and Registration System) → which has a certification and testing program that has been approved by the EPA and which is at least as stringent as the Commission's, may apply for certification by submitting an application on the form specified by the Division, along with the applicable fee, and successfully complete a Division-administered examination on state laws and regulations related to asbestos before Colorado certification will be issued.

~~II.I.2. Those individuals applying under this subsection II.I. (Reciprocity) for Colorado certification as a Supervisor or project designer must also successfully complete a Division-administered examination on state laws and regulations related to asbestos abatement before Colorado certification will be issued.~~

II.~~I.~~32. Those individuals applying under this subsection II.I. (Reciprocity) for Colorado certification as an Air Monitoring Specialist ~~shall~~must also:

II. I.2.1.3.a. provide documentation to the Division of training which is as least as stringent as the training required in section II.D.3.a.(i).

II. I.2.1.3.ba. provide documentation to the Division showing that they have been certified to conduct Air Monitoring Specialist activities for at least 1 year.

II.~~I.~~32.cb. pass the written examination as described in subparagraph II.D.3.a.(iv). Examination.

## II.L. ASBESTOS CONSULTING FIRM REGISTRATION

Any person performing asbestos consulting firm activities as defined in this regulation ~~must~~shall be registered as an Asbestos Consulting Firm. Applicants seeking to be registered shall submit their request to the Division on a form ~~supplied~~specified by the Division along with an annual fee of \$500.00.

## II.M. ASBESTOS LABORATORY REGISTRATION

Any person performing asbestos laboratory activities as defined in this regulation ~~must~~shall be registered as an Asbestos Laboratory. Applicants seeking to be registered shall submit their request to the Division on a form ~~supplied~~specified by the Division along with an annual fee of \$250.00.

## III. ABATEMENT, RENOVATION AND DEMOLITION PROJECTS

### III.A. INSPECTION

III.A.1. Prior to any renovation ~~or demolition~~ which may disturb greater than the trigger levels of material identified as a suspect asbestos-containing material pursuant to the EPA

"Green Book," Managing Asbestos in Place, Appendix G (1990), or any demolition, the facility-suspect material(s) to be affected by the renovation or demolition shall be inspected to determine if abatement is required. Inspections conducted prior to renovation may be focused on the suspect material(s) affected by the renovation. Inspections conducted prior to demolition shall comprehensively identify all ACM in and on the building, structure, facility or on the component(s) affected by the demolition.

III.A.1.a. Individuals performing these inspections shall be Building Inspectors certified in accordance with this regulation.

III.A.1.b. The inspection, sampling, and assessments of the suspect materials must be performed as required in paragraphs IV.C.1.III.A.4. (Inspection), subsections IV.D.III.A.4.c. (Sampling) and IV.F. III.A.4.d. (Assessment) of this regulation.

III.A.1.c. The analysis of samples collected during these inspections must be performed as required in subsection IV.E.paragraph III.A.5. (Analysis) of this regulation ~~with one exception: if the asbestos content of a sample of friable asbestos is estimated to be 1% asbestos or less, but greater than 0%, by a method other than point counting (such as visual estimation), the determination shall be repeated using the point counting technique with polarized light microscopy. If a result obtained by point count is different from a result obtained by visual estimation, the point count result must be used. Tar impregnated samples do not have to be point counted.~~

III.A.1.~~e~~. To prevent any real or potential conflicts of interest, Building Inspectors identifying ACM ~~must~~shall be independent of the GAC that will subsequently abate the ACM identified. Inspectors need not be independent of the GAC if both the Inspector and the licensed GAC are employees of the building owner.

~~III.A.1.d2.~~ Buildings, structures, facilities, or those portions thereof, that were constructed after October 12, 1988, shall be exempt from this inspection requirement if an architect, project engineer, or building contractor responsible for the construction of the building, ~~or a state certified Inspector,~~ signs a statement that no ACM was specified as a building material in any construction document for the building or no that ACM was used as a building material in the building. The architect, project engineer, or building contractor shall sign and date the statement and also include: the date of construction; a list of documents reviewed that support the individual's conclusion, such as drawings, specifications, blueprints, etc.; a statement that the individual is aware that asbestos-containing building materials have never been completely banned; and the individual's title, license, and contact information. ~~construction.~~ Any renovations or additions to the building, structure, facility, or portion thereof after the date of original construction shall also be documented as described; or, the building owner shall sign a statement that no renovations or additions have occurred since the date of original construction.

A Colorado certified Asbestos Building Inspector may sign a statement, as described above, that no ACM was used as a building material.

**NOTE:** The Division recommends that all buildings, structures, facilities or their components be inspected prior to any renovation or demolition activities, regardless of the date of construction.

III.A.3. The asbestos inspection report shall be available onsite when renovation activities impact greater than the trigger levels of suspect materials.

III.A.34. For each **building, structure, facility** or component(s) inspected to determine the presence of asbestos-containing materials, the certified asbestos building inspector shall:

III.A.34.a. Identify, quantify, and categorize all homogenous areas of suspect ACM.

III.A.34.b. Touch all suspect ACM to determine whether the material is friable.

III.A.34.c. Either assume homogenous areas are ACM or collect, in a statistically random manner representative of the homogenous area, bulk samples of suspect ACM as follows:

III.A.34.c.(i). Surfacing material. Additional information on sampling surfacing materials can be found in the EPA “Pink Book,” Asbestos in Buildings: Simplified Sampling Scheme for Friable Surfacing Materials (1985).

III.A.34.c.(i).(A). At least three bulk samples shall be collected from each homogenous area that is 1,000 square feet or less.

III.A.34.c.(i).(B). At least five bulk samples shall be collected from each homogenous area that is greater than 1,000 square feet but less than or equal to 5,000 square feet.

III.A.34.c.(i).(C). At least seven bulk samples shall be collected from each homogenous area that is greater than 5,000 square feet.

III.A.34.c.(ii). Thermal system insulation. Additional information on sampling thermal system insulation can be found in the EPA “Purple Book,” Guidance for Controlling Asbestos-Containing Materials in Buildings (1985).

III.A.34.c.(ii).(A). At least three bulk samples from each homogenous area of thermal system insulation.

III.A.34.c.(ii).(B). At least one bulk sample from each homogenous area of patched thermal system insulation that is less than 6 square or linear feet.

III.A.34.c.(ii).(C). In a manner sufficient to determine whether the material is ACM, collect bulk samples from mechanical system fittings such as tees, elbows, or valves.

III.A.34.c.(ii).(D). Bulk samples are not required where the certified asbestos building inspector has determined the thermal system insulation is fiberglass, foam glass, rubber, or other non-ACM insulation.

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III.A.34.c.(iii). Miscellaneous.

III.A.3.c.(iii).(A). In a manner sufficient to determine whether the material is asbestos-containing, collect bulk samples from each homogenous area.

III.A.34.d. Provide a written assessment of the condition of the ACM which shall include:

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III.A.34.d.(i). The location and quantity or volume of the ACM.

III.A.34.d.(ii). The condition of the ACM, including: type of damage or significant damage, severity of damage, and extent or spread of damage over the homogenous area.

III.A.34.d.(iii). An assessment of ACM that will remain after renovation or demolition, including:

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III.A.34.d.(iii).(A). Whether the ACM is accessible.

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III.A.34.d.(iii).(B). The ACM's potential for damage.

III.A.34.d.(iii).(C). Known or suspected causes of damage or significant damage.

III.A.34.e. Provide a written report of the asbestos inspection findings. The report shall include:

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III.A.34.e.(i). The client's name and contact information.

III.A.34.e.(ii). The name and address or location of the structure(s) and the exact location in the structure of the building component(s) inspected.

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III.A.34.e.(iii). The date(s) the inspection was performed.

III.A.34.e.(iv). The certified asbestos building inspector's name, signature, contact information, certification number, and asbestos consulting firm name and registration number.

III.A.34.e.(v). A description of the scope and purpose of the inspection.

III.A.34.e.(vi). A physical description of the structure(s) or building component(s) inspected. The description shall also include:

III.A.34.e.(vi).(A). The location and quantity or volume of each homogenous area of all suspect ACM.

III.A.34.e.(vi).(B). A blueprint or diagram clearly illustrating each homogenous area inspected, exact sample location, and each homogenous area determined or assumed to be ACM.

III.A.34.e.(vi).(C). A description of the manner used to determine sampling locations. Additional information on sampling surfacing materials can be found in the EPA "Pink Book," Asbestos in Buildings: Simplified Sampling Scheme for Friable Surfacing Materials (1985). Additional information on sampling thermal system insulation can be found in the EPA "Purple Book," Guidance for Controlling Asbestos-Containing Materials in Buildings (1985).

III.A.34.e.(vii). The assessment of ACM as required in paragraph III.A.3.d.

III.A.34.e.(viii). The certified asbestos building inspector's conclusion.

III.A.34.e.(ix). A copy of the analytical report including the name and address of the laboratory performing the analysis, the laboratory's registration and accreditation, the chain of custody form, the date of analysis, the name and signature of the person performing the analysis, the method of analysis, and the results of the analysis.

#### IV.E.III.A.45. ANALYSIS

IV.E.1.III.A.54.a. Local education agencies shall have bulk samples, collected under subsection IV.D. (Sampling) paragraph III.A.3.c. and submitted for analysis shall be analyzed for asbestos using laboratories accredited by the National Institute of Standards and Technology (NIST). Local education agencies shall use laboratories which have received interim accreditation for polarized light microscopy analysis under the EPA Interim Asbestos Bulk Sample Analysis Quality Assurance Program until the National Institute of Standards and Technology (NIST) PLM laboratory accreditation program for PLM is operational. Laboratories shall also be registered as required in subsection II.M.

IV.E.2.III.A.45.b. Bulk samples shall be analyzed for asbestos content by PLM, using the United States Environmental Protection Agency's August 1994 Method EPA/600/R-93/116, "Method for the Determination of Asbestos in Bulk Building Materials."

III.A.5.c. With the exception of wallboard systems (wallboard, tape, and joint compound), bulk samples shall not be composited for analysis. Wallboard and associated joint compound utilized to fill seams and nail holes may be composited utilizing the procedures given in the January 5, 1994 Federal Register, Volume 59, No. 3. Materials added onto wallboard and other base materials (e.g. sprayed or troweled on materials, textures, paints, etc.) shall be analyzed separately.

III.A.5.d. If the asbestos content of a sample of friable asbestos is estimated to be 1% or less but greater than 0% by a method other than point counting, the determination shall be repeated using the point counting technique with PLM or the material shall be assumed to be asbestos-containing. If a result obtained by point count is different from a result obtained by visual estimation, the point count result must shall be used. Non-friable Tar impregnated samples do not have to be point counted.

#### IV.E.3-III.A.45.e. Interpreting Bulk Sample Results

IV.E.3.a-III.A.45.e.(i). A homogeneous area is considered not to contain ACM only if the results of all samples required to be collected from the area show asbestos in amounts of one percent or less.

IV.E.3.b-III.A.45.e.(ii). A homogeneous area shall be determined to contain ACM based on a finding that the results of at least one sample collected from that area shows that asbestos is present in an amount greater than one percent.

IV.E.4-III.A.45.f. The name and address of each laboratory performing an analysis, the laboratory registration and accreditation, the date of analysis, and the name and signature of the person performing the analysis shall be submitted to the person designated under subsection IV.B. (General LEA Responsibilities) for inclusion into the management plan within 30 days of the analysis.(s) requesting the asbestos building inspection and analysis.

III.A.256. Abatement, in accordance with Regulation No. 8, is required if the amount of ACM that will be disturbed in connection with the renovation exceeds the trigger levels.

III.A.367. Any asbestos-containing material that is friable or will be made friable during demolition activities in any area of public access or non-public access area must be removed prior to demolition. Removal, in accordance with Regulation No. 8, is required if the amount of asbestos-containing material that is friable or will become friable during demolition exceeds the trigger levels. Demolition of buildings or structures containing non-friable asbestos-containing materials allowed to remain in the building or structure, and that will remain non-friable during demolition, shall follow the work practices and procedures in subsection III.X.(Demolition).

### III.C. PROJECT DESIGN

III.C.3. Based on an on-site visit, the Colorado certified project designer shall develop a written project design which shall include~~A project design shall include:~~

III.C.3.a. An accurate and detailed scope of work;

III.C.3.b. Accurate and detailed diagrams, such as one-line drawings, of each abatement work site that identify square or linear footage of ACBM, type of ACBM, locations of ACBM subject to the ~~response abatement~~ action, the decontamination unit, the waste load-out, the negative air machines, air intake and exhaust, and emergency exits when applicable;

III.C.3.c. A plan to address ACBM within the abatement work site which is not the subject of the ~~response abatement~~ action, ~~and other sources of asbestos contamination which might affect air clearance monitoring;~~

III.C.3.d. A description of the ~~methods that will be used to control the release of asbestos fibers during the response action,~~ removal methods and engineering controls, including air exchange calculations;

III.C.3.e. A statement that re-cleaning of the abatement work site ~~must~~shall occur if either the visual inspection or air sample analysis fails to meet the clearance requirements;

III.C.3.f. The name, signature address, telephone number, and copy of the project designer's current certification as a project designer, and the date of the on-site visit;

III.C.3.g. Modifications to the project design must be made in writing, dated, approved by the project designer, and incorporated into the written project design.

- ~~• an accurate and detailed scope of work~~
  - ~~• quantities of material to be removed~~
  - ~~• a discussion of the removal methods~~
  - ~~• air exchange calculations~~
  - ~~• signature of the project designer~~
  - ~~• project design completion date and dates of any amendments~~
  - ~~• drawings that include:~~
    - ~~○ locations of ACM to be abated~~
    - ~~○ the decontamination unit~~
    - ~~○ the waste load-out~~
    - ~~○ negative air machines~~
    - ~~○ air intake and exhaust~~
- ~~emergency exits, when applicable~~

### III.D.1. PROJECT MANAGEMENT

III.D.1. The project manager shall be responsible for:

- ~~assessing~~ ensuring that the project is conducted in accordance with this regulation.
- ~~assessing~~ ensuring that the project design is followed.
- ~~assessing~~ ensuring that the abatement project is cleared in accordance with this regulation.
- ~~assessing~~ ensuring that the asbestos waste generated by the project is properly manifested and disposed of in accordance with this regulation.
- communicating ~~these~~ assessments to the building owner or operator and GAC.

III.D.3. Project managers ~~must~~shall sign the original copy of the permit for the permit to be valid.

### III.E. Notices

Any person intending to either abate asbestos-containing materials in any amount greater than the trigger levels, or demolish a building, structure, facility or portion thereof ~~facility~~ shall, on a form ~~supplied~~ specified by the Division, provide a written notice of the intent to conduct asbestos abatement or demolition. When a permit is required under paragraph III.G.1 (Permits), this notice shall serve as the permit application referred to in paragraph III.G.1. False, inaccurate or misleading information contained in the notice is cause for the Division to revoke a permit issued pursuant to paragraph III.G.1. (Permits) and/or to initiate an enforcement action pursuant to §25-7-508, C.R.S. Any modification of information contained in the notification ~~must~~shall, on a form specified by the Division, be made in writing to the Division on the first regular business day preceding the change. Notices required under this paragraph are subject to the following conditions:

#### III.E.1.e. Waiver of the 10-Working Day Notification Period

There are ~~threetwo~~ situations where the Division will consider a waiver of the 10-working day notifications. They are:

##### III.E.1.e.(i) Emergencies

In the event of an emergency in which asbestos abatement work must commence at once, the Division and the appropriate county health department shall be notified immediately by fax, ~~or~~ or e-mail. The GAC or building owner ~~shall~~must submit a written notification on a form supplied by the Division at the start of the next regular State business day after commencing the emergency abatement. The application shall be accompanied by a written explanation of the events surrounding the emergency and signed by both the building owner and the GAC. If the emergency occurs during non-business hours, the Division and the appropriate county health department shall be notified by telephone on the morning of the next regular State business day.

III.E.1.e.(ii). Unexpected Discovery

In the event of an unexpected discovery of asbestos-containing materials behind a wall, above a ceiling, beneath a floor or otherwise hidden in such a way as to preclude access to it without damaging part of the structure, should the building owner wish to seek a waiver of the normal 10-working day notification, the GAC or building owner shall notify the Division by the end of the next regular State business day following the unexpected discovery.

III.E.1.e.(iii) Demolition Following Abatement

In the event where a facility, including a single-family residential dwellings (structure) is to be demolished following a noticed or permitted asbestos abatement project where the 10-working day waiting period was already imposed, the Division will waive the waiting period provided the completed demolition approval notice is filed with the Division within the 10-working day period following the completion of the abatement. No waiver of the waiting period will be granted for incomplete applications or for application received more than 10-working days after the completion of the abatement.

III.E.1.g. The original of the Division-issued notice shall be posted in a visible location at the work site at all times and the asbestos inspection shall be available for review.

I.E.2. Single-Family Residential Dwelling Opt-Out Notice

III.E.2.a. An owner of a single-family residential dwelling may opt-out of the area of public access requirements of this regulation for the abatement of asbestos-containing material in excess of the trigger levels in that owner's primary residence by completing the opt-out form. If the homeowner chooses to opt-out, the GAC contracting with the homeowner shall provide the completed, signed "Single-Family Residential Dwelling Area of Public Access Opt-Out Form" to the Division. For a project in which the homeowner has chosen to opt-out, then the single-family residential dwelling will revert to being subject to the area of public access requirements: 1) at the time of the homeowner's choosing; 2) when the homeowner no longer owns the single-family residential dwelling; or, 3) if the dwelling ceases being the homeowner's primary residence, whichever is first.

III.E.2.b. An owner of a single-family residential dwelling may not opt-out of the area of public access requirements of this regulation for the abatement of asbestos-containing materials if any of the following apply:

III.E.2.b.(i). If the owner plans to demolish, sell, or rent any part of the single-family residential dwelling to another person or company at the conclusion of the project

III.E.2.b.(ii). If portions of the single-family residential dwelling serve as a daycare, office or other business function to which members of the general public have access.

III.E.2.b.(iii). If the asbestos-containing materials are being abated on the exterior of the single-family residential dwelling.

III.G.4 . The original of the Division-issued permit shall be posted in a visible location at the work site at all times and the asbestos inspection shall be available for review.

III.H.2.1. Lockdown may be applied to surfaces in the containment after the final visual inspection has been successfully completed. The lockdown must be completely dry to the touch before final clearance air sampling may commence.

Or

Lockdown may be applied to surfaces in the containment after the final visual inspection and clearance air sampling has been successfully completed.

Or

The use of lockdown is not permitted.

III.N.4. Secondary Containment

III.N.4.a. For glovebag removals (see III.V.1) the GAC in lieu of full containment shall erect secondary containment barriers where the amount of ACM to be removed in a functional space exceeds three (3) linear or three (3) square feet.

III.N.4.b. For facility component removals (see III.V.2) in lieu of full containment the use of a secondary containment to facilitate the required air clearance monitoring is recommended, but not required.

### III.N.4. Secondary Containment

III.N.4.b. For ~~facility~~ component removals (see III.V.2) in lieu of full containment the use of a secondary containment to facilitate the required air clearance monitoring is ~~recommended, but not~~ required.

### III.O.1. Removal

III.O.1.a.i(C)(2) Remove ~~facility~~ components coated or covered with friable asbestos-containing materials as units or in sections in accordance with subparagraph III.V.2. (~~Removing of Facility~~ Component Removals).

### III.O.3. Enclosure

III.O.3.a. If enclosure is chosen as the abatement technique, a solid structure (airtight walls and ceilings) shall be built around the ~~facility~~ component to prevent the release of ACM into the area beyond the enclosure and to prevent disturbance of ACM by casual contact during future maintenance operations. A containment barrier need not be erected when constructing an enclosure provided that the ACM will not be disturbed during the building of the enclosure. Such a permanent (i.e., for the life of the building) enclosure shall be built of new construction materials and shall be impact resistant and airtight. Before constructing the enclosure, the person conducting the asbestos abatement shall move all active electrical conduits, telephone lines, recessed lights, and pipes out of the area to be enclosed in order to ensure that the enclosure will not have to be reopened later for routine or emergency maintenance.

### III.P. CLEARING ABATEMENT PROJECTS

This subsection III.P. applies to asbestos abatement projects in areas of public access, other than school buildings, where the amount of asbestos-containing material that will be abated exceeds the trigger levels. For clearance requirements in school buildings, see paragraph IV.G.9. (Completion of Response Actions).

The GAC, certified Air Monitoring Specialist, and the building owner shall ensure that all abatement projects are completed as described below.

All air monitoring and final visual inspections required under this regulation shall be performed by a Colorado certified Air Monitoring Specialists independent of the GAC to avoid possible conflict of interest.

III.P.1.a. The Air Monitoring Specialist shall be accompanied by a representative of the GAC who is, at minimum, certified as a Supervisor.

III.P.1.b. Prior to reoccupancy, the Air Monitoring Specialist shall provide written notification to the building owner or operator that the abatement work site has met final visual clearance standards and passed final air clearance

sampling. This statement shall be signed by the Air Monitoring Specialist(s) and the General Abatement Contractor's representative(s) who conducted the visual inspection.

III.P.3.b.(iii). The laboratory may analyze air monitoring samples collected for clearance purposes by PCM to confirm completion of removal, encapsulation, or enclosure of ACM. The action shall be considered complete when the results of samples collected in the abatement work area and analyzed by PCM using the NIOSH Method 7400 entitled "Fibers" published in the NIOSH Manual of Analytical Methods, 3rd Edition, Second Supplement, August 1987, show that the concentration of fibers for each of the five samples is less than or equal to a limit of quantification for PCM (0.01 fibers per cubic centimeter, 0.01 f/cm<sup>3</sup>, 10,000 f/m<sup>3</sup>). The analyst doing said analysis shall be NIOSH 582, ~~or~~ 582E trained or an analyst showing successful participation in the AIHA AAR PAT Program and shall be an employed of by a laboratory registered in the State of Colorado.

#### III.P.3.c. Laboratory Accreditation

III.P.3.c.(i). The air samples collected under this subsection III.P. shall be analyzed for asbestos using laboratories accredited by the National Institute of Standards and Technology to conduct such analysis using transmission electron microscopy or, under circumstances permitted in this subsection III.P. (Clearing Abatement Projects), laboratories showing successful participation in the American Industrial Hygiene Association Proficiency Analytical Testing (PAT) Program for phase contrast microscopy. All analysts analyzing PCM samples collected for final clearance purposes shall have successfully participated in their laboratories most current PAT Round.

III.P.3.c.(ii). Whenever on-site satellite labs are used for PCM analysis for ~~final clearance purposes~~ air monitoring required under this regulation, all persons conducting said analysis shall be properly trained as an analyst pursuant to the AIHA Laboratory Quality Assurance Program and shall follow all quality control and quality assurance guidelines as set forth in the NIOSH Method 7400 entitled "Fibers" published in the NIOSH Manual of Analytical Methods, 3rd Edition, second supplement, August 1987. Satellite labs must be directly under the control shall be owned and under the direct control of properly accredited and registered laboratories pursuant to the requirements set forth in subparagraph III.P.3.b. (Clearance Criteria) above.

### III.R.3. Transfer Stations

III.R.3.a. Solid Waste Transfer Stations directly owned and operated by a company that also directly owns and operates an approved friable asbestos disposal site may accept asbestos waste under the following conditions:

- a.(i) The Transfer Station has written approval to accept such waste from the Solid Waste Management Unit of the Hazardous Materials Waste Management Division and a copy of that approval is supplied to the Division.
- a.(ii) The transfer station shall not accept waste from a General Abatement Contractor at any time.
- a.(iii) The Transfer Station is responsible for the proper storage, transport and disposal of all asbestos-containing waste material accepted by them for disposal to include the prevention of visible emissions.
- a.(iv) The Transfer Station will ensure that all asbestos-containing waste materials are kept separate from all other materials accepted by the transfer station and any disposal containers used for asbestos-containing waste material will be segregated from all other disposal containers at the Transfer Station by either secure barriers or a minimum of 50 feet.
- a.(v) All asbestos waste must be stored in a enclosed container with solid top, sides and bottom and it must remain closed at all times except for loading operations.
- a.(vi) All disposal containers utilized by the Transfer Station for asbestos-containing waste materials shall be kept secured by padlock at all times while containing asbestos waste except for during the loading of additional asbestos-containing waste material.

III.S.1.e. If quantities of resilient floor tile and/or sheet vinyl flooring to be removed exceed the trigger levels, then the requirements set forth in subsection III.P (Clearing Abatement Projects) apply.

### III.S.3. Asphaltic Materials

Tar impregnated roofing felts, asphalt roofing tiles, roofing asphalts, roofing mastics, asphalt roofing tiles, roofing asphalts, roofing mastics, asphaltic or bituminous coatings, and asphaltic pipeline coatings that are nonfriable and will remain nonfriable during abatement are exempt from this regulation.

### III.T.1. Major Asbestos Spills

In the event of an asbestos spill involving disturbance of ACM in an amount greater than the trigger levels, the building owner, operator, or contractor shall:

III.T.1.a. Restrict access to the area and post warning signs to prevent entry to the area by persons other than those necessary to respond to the incident.

III.T.1.b. Shut off or temporarily modify the air handling system to prevent the distribution of asbestos fibers to other areas.

III.T.1.c. The Asbestos Building Inspector who identifies the spill shall immediately contact the Division by telephone, submit a notification in compliance with subsection III.E. (Notifications) and, if in an area of public access, apply for a permit in accordance with subsection III.G. (Permits). If disturbed materials are already known, or assumed to be asbestos-containing, the building owner, operator or contractor who discovers the disturbance shall be responsible for contacting the Division.

~~III.T.1.d. Be exempted from the requirements to have a certified Supervisor on-site at all times, until such time as the immediate danger has passed. Any cleanup or asbestos abatement that must occur after the immediate danger has passed shall be supervised by a person certified by the Division.~~

III.T.1.d. Unless the entire structure is treated as a Major Asbestos Spill, a Colorado certified Air Monitoring Specialist shall determine the extent of the spill area.

III.T.1.e. The General Abatement Contractor selected to perform the abatement of the spill shall:

1) Submit notification in compliance with subsection III.E. (Notifications) or subsection III.G. (Permits), whichever is applicable.

~~III.T.1.e.~~ 2) Using certified Supervisors and certified Workers in accordance with section II. (Certification Requirements) of this Regulation, ~~grates, diffusers and skylies~~ construct a containment in accordance with section III.H. (Abatement Sequence) of this Regulation, except that contaminated surfaces are not required to be covered as per sections III.N.1.a, III.N.1.b. and III.N.1.c.

3) HEPA vacuum or steam clean all carpets, drapes, upholstery, and other non-clothing fabrics in the contaminated area, or discard these materials in accordance with subsection III.R. (Waste Handling).

~~III.T.1.g.~~ 4) Launder or discard contaminated clothing in accordance with subsection III.R. (Waste Handling).

~~III.T.1.h.~~ 5) HEPA vacuum or wet clean all surfaces in the contaminated area.

~~III.T.1.i.~~ 6) Discard all materials in accordance with subsection III.R. (Waste Handling).

~~III.T.1.j.~~ 7) Following completion of subparagraph III.T.1.ea.1 through ~~III.T.1.i.6-~~above, comply with visual inspection and air monitoring requirements as described in subsection III.P. (Clearing Abatement Projects); air samples shall be collected aggressively as described in 40 C.F.R. Part 763, Appendix A to Subpart E (EPA 1995), except that the air stream of the leaf blower shall not be directed at any friable ACM that remains in the area.

~~III.T.1.fk.~~ All persons shall comply with any other measures deemed necessary by the Division to protect public health.

III.U.1.a. During Normal Occupaney In Occupied Buildings

For purposes of this paragraph III.U.1, air monitoring shall be conducted during normal occupancy and samples shall not be collected in an aggressive manner.

### III.V.2. Facility Component Removal

Only those facility components in which the ACM is well adhered to the component may be ~~removed~~taken out of the facility as units or in sections, ~~and be exempt from the containment requirements in subsection III.N. (Containment Components) provided that,~~ The GAC shall:

III.V.2.a. Adequately wet the facility component pursuant to subparagraph III.O.1.a.(i). (Wetting) then wrap the facility component in six (6) mil polyethylene prior to removing the facility component; and

III.V.2.b. Ensure that the abatement project is cleared as required in subsection III.P. (Clearing Abatement Projects) and that the ACWM is disposed of as required in subsection III.R. (Waste Handling). ~~NOTE-~~The use of a secondary containment to facilitate the required final air clearance monitoring is ~~recommended, but not~~ required.

III.V.2.c. ~~Once the components are removed~~taken out of the facility, if the components are to be stripped~~If the components are to be stripped after removal,~~ comply with Sections I. (Definitions), II. (Certification Requirements) and III. (Abatement, Renovation and Demolition Projects).

### III.W. STRUCTURALLY UNSOUND BUILDINGS

For ~~facilities~~buildings, structures, facilities, or any portion thereof described in subparagraph III.E.1.e., the Division may suspend any abatement work practice requirements, the implementation of which may endanger personnel who will be removing the asbestos ~~from the facility~~. The GAC shall apply for a variance from the Division in accordance with the requirements of subsection III.F. (Alternative Procedures and Variances). During wrecking operations, that portion of the facility~~building~~.

structure, ~~or facility, or the portion thereof~~ that contains friable asbestos-containing material ~~or asbestos-containing material that will be made friable must~~ shall be kept adequately wet commencing from prior to the demolition through delivery of the demolition debris to a landfill that will accept friable ACM.

### III.X. DEMOLITION

Persons conducting demolition of buildings or structures containing non-friable asbestos-containing materials allowed to remain in the building or structure, and that will remain non-friable during demolition, shall:

III.X.1. Keep the building or structure and debris wet during demolition and loading to minimize dust.

III.X.2. Removal all debris from the site before considering demolition complete.

III.X.3. Following completion of the demolition, have a Colorado certified Air Monitoring Specialist, independent of the demolition contractor, visually inspect the site to determine whether all debris has been removed.

### III.~~X~~Y. EXEMPTIONS

- While performing ~~facility~~ component removal, full containment is not required. See paragraph III.V.2 (~~Facility~~ Component Removal).

APPENDIX B — update “Recommended Work Practices for the Removal of Resilient Floor Coverings” brochure