

# CEPA MEETING

THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND  
ENVIRONMENT

AIR POLLUTION CONTROL DIVISION  
INDOOR ENVIRONMENT PROGRAM

CEPA MEETING

04/15/2021



**COLORADO**

**Air Pollution Control Division**

Department of Public Health & Environment

# OVERVIEW

**Introductions**

**General Housekeeping**

**Regulation 19**

**Regulation 8 Changes**

**Specific CEPA Questions**

**Sunset**

**Q & A**





# Introductions

- Air Pollution Control Division Staff
  - Beth Foley
  - Sam Kloser
  - Cody Archuleta
  - Laura Manyak
  - Wes Short
  - Trevor Strosnider
  - Dave Willer
  - Curtis Burns
  - Severen McGowan



# General Housekeeping

- The lobby remains closed
- Payment Portal must be used
- Certification questions/requests - [iepcertification@state.co.us](mailto:iepcertification@state.co.us)
- Exams - in-person only for new applicants or people ineligible for recertification



# Proposed Regulation 19 Rulemaking Timeline

- Kickoff meeting - March 9, 2021
- Ist Draft Redline Strikethrough - End of April, 2021
- Request for Rulemaking Hearing before the Air Quality Control Commission (AQCC) in August 2021
- Rulemaking Hearing is anticipated in November 2021
- Please visit the AQCC's website for more information:  
<https://www.Colorado.gov/pacific/cdphe/aqcc>



# CDPHE webpage

- Go to:
  - Divisions
    - Air Pollution Control Division
      - Stakeholder Engagement
        - Colorado Regulation No. 19 - Lead-based Paint Proposed Rule Revisions
          - Sign up to be part of the stakeholder process and receive periodic updates
          - Updated information on stakeholder meetings
          - Other documents as developed
          - How to submit comments



# Public Meetings

- After the first redline/strikethrough document is sent out - information will be sent to anyone who is registered
- Written Comments are requested
- Additional Public meeting will be scheduled - Meetings will be held remotely for the foreseeable future
- Division will meet with those who submitted written comments



# Written Comments

- Once we have sent out the first redline/strikethrough document, a deadline for written comments will be set
- Comments must be submitted to:
  - [cdphe.commentsapcd@state.co.us](mailto:cdphe.commentsapcd@state.co.us)
  - Please put “Regulation 19 Rulemaking” in the subject line
  - Please do not submit comments to any individual IEP staff member or to the general lead email address





# Specific Questions

- Significant Changes to Regulation No. 8, Part B
- New Forms
- Timeline questions for inspections/PDs/permits
- Large/multiple building sites being remediated under 1 phased permit with different GACs performing different phases
- Guidance documents.
  - Subjects
  - Review Process
- Regulation No. 19
- Electronic Documents on site



# Significant Changes to Regulation No. 8, Part B

- Section I.A.
  - 2 ASTM Standards added - microvac sampling and wipe sampling
- Section I.B. added
  - Asbestos-contaminated
  - Business day
  - Conflict of Interest
  - Full containment
  - General Abatement Contractor
  - In poor condition
  - Installation
  - Inspection



# Significant Changes

continued

- Section I.B. added
  - Leak-tight
  - Major asbestos spill
  - Makeup air intake
  - Minor asbestos spill
  - Project
  - Quantify
  - Secondary containment
- Section I.B. removed
  - Asbestos Abatement Contractor
  - Friable Asbestos Containing Material



# Significant Changes

continued

- Section I. clarified
  - Airlock
  - Amended water
  - Area of Public Access
  - Asbestos Abatement
  - Asbestos Consulting Firm
  - Asbestos Laboratory
  - Asbestos Training Provider
  - Asbestos-containing waste material
  - Assessment
  - Clean Room
  - Critical Barrier
  - Curtained Doorway



# Significant Changes

continued

- Section I. clarified
  - Decontamination Unit
  - Demolition
  - Emergency
  - Encapsulation
  - Facility Component
  - Functional Space
  - Homogeneous area
  - Moveable objects
  - Negative air machine
  - Nonfriable
  - Operations and maintenance program



# Significant Changes continued

- Section I. clarified
  - Project Design
  - Public and Commercial Building
  - Renovation
  - School
  - Secondary Containment
  - Single-family residential dwelling
  - Surfactant
  - Waste load-out area
  - Wet wiping



# Significant Changes continued

- Section II.
  - II.A.1.(a). No certification or registration pursuant to this Section II will be issued to a person who has failed to pay in full a Division-assessed penalty
  - II.C.4. Exams - failing to achieve a passing score will require taking remedial training - refresher or initial class
  - II.D.3.a.i.(A). - The Commission added delineation of a major spill to the AMS curriculum
  - II.F. Clarifications to instructor qualifications
  - II.L II.M. - Any person performing or offering to perform ACF or Lab services must be registered



# Significant Changes

continued

- Section III.
  - III.A.1. Specifically states that suspect materials must be inspected or assumed. Inspections for renovations may be focused, inspections for demolition must be comprehensive
  - III.A.1.d. More was added to the clarify the exemption section
  - III.A.2. The inspection report is required to be onsite during renovation, abatement or demolition activities, within 72 hours for emergencies or unexpected discoveries
  - III.A.3. Inspection section is all new, requiring the inspector to:
    - Quantify the amount of ACM
    - Assess the condition of the material
    - Provide a written report including the scope and purpose of the inspection
    - Summary of findings





# Significant Changes continued

- Section III.
  - III.A.4.c. Composite analysis must be done by the laboratory
  - III.A.4.c. Materials added onto drywall and other base materials must be sampled separately
  - III.C.3. The PD must make site visit before developing the PD
    - III.C.3.a. The PD must include an accurate and detailed scope of work including quantities
    - Include work practices from a variance if applicable
    - An accurate and detailed diagram that identifies locations of ACM to be abated
    - Address ACM in the work area not being impacted
    - Re-cleaning if the area fails to pass clearance sampling



# Significant Changes

continued

- Section III.
  - III.C.5. The GAC and the Supervisor must ensure the project is conducted in accordance with the PD
  - III.D.1. The PM is responsible to assessing if variances are being followed. Communicating in writing all deviations to the building owner or operator, the GAC and, if applicable, the AMS. The Project Manager will notify the Division if the deviation is not corrected within 24 hours of notification
  - III.E. A Division approved notice must be posted in a visible location at all times
  - Section III.E was split into two subparts - one for Public and Commercial facilities, one for SFRDs
  - III.e.1.e.(i).etc. A form was developed for requesting a waiver of the 10-working day notification period



# 10-Working Day Notification

- NESHAP and Reg. 8, Part B require a 10 working day notification period. Work can start on the 11<sup>th</sup> working day.

Example 1:

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	0	1	2	3	4	
1	2	3	4	5	6	7
	5	6	7	8	9	
8	9	10	11	12	13	14
	10	11				
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

- Red - date of postmark or electronic application
- Yellow - required notification period
- Green - First possible work day



# 10-Working Day Notification

- NESHAP and Reg. 8, Part B require a 10 working day notification period. Work can start on the 11<sup>th</sup> working day.

Example 2:

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					0	
1	2	3	4	5	6	7
	1	2	3	4	5	
8	9	10	11	12	13	14
	6	7	8	9	10	
15	16	17	18	19	20	21
	11					
22	23	24	25	26	27	28
	30	31				

- **Red** - date of postmark or electronic application
- **Yellow** - required notification period
- **Green** - First possible work day



# Significant Changes continued

- Section III.
  - III.E.1.e.(ii). and III.E.2.d.(ii) Failure to do a thorough inspection is not a cause for an unexpected discovery
  - III.E.1.e.(iii). and III.E.2.d.(iii). Demolition following abatement
  - III.E.2.d.(iv). Compelling circumstances for SFRDs
  - Section III.E.3.c. The Opt-Out is not applicable if the homeowner plans to demolish the house, sell or rent or use as a place of business or if the work impacts an area of public access
  - III.E.4. Allows for a Colorado licensed Professional Structural Engineer to sign for a structurally unsound building if no governmental person is available
  - III.F. Variances will be reviewed within 45 days and the Division will provide a reason for denial



# Significant Changes continued

- Section III.
  - III.G.3 Adding phases does not require waiting the 10-working day notification, but the phase must be approved before work begins
  - III.H.2.9 Lockdown may only be applied after the visual inspection by the AMS is successful
  - III.J.3. The manometer must be programmed with the current date/time and location and must have an audible alarm. The alarm function must be audible during active abatement
  - III.N.1.a. Unless ACM flooring material is the only material being removed in the containment, at minimum one (1) layer of six-(6) mil polyethylene sheeting sealed to the walls, must cover the floor during all upper removal activity
  - III.N.3 The innermost room of the waste loadout must be large enough to accommodate the cleaning of bagged/containerized debris and the largest sized debris and equipment



# Significant Changes

continued

- Section III.
  - III.N.3. The DECON must have self closing flaps
  - III.O.1.a.(i).(B). Allows for different types of wetting equipment
  - III.O.1.b.(iii). Specifies how chutes must be constructed
  - III.O.1.c. Specifies alternative removal methods and requires additional engineering controls
  - III.O.2 Does not require a containment if encapsulating ACM provided it is in good condition. The area must undergo a final air clearance
  - III.P.1.a. An AMS must provide written notice to the GAC that a final clearance has passed
  - III.P.3.b.(iii). PCM clearance samples require a minimum volume of 1199 L of air to be collected



# Significant Changes continued

- Section III.
  - III.Q. When tearing down, a GAC must HEPA vac minimal dust discovered during the process
  - III.R.2.b. The wording on warning signs was updated
  - III.R.2.f.(i) Asbestos wastewater may not be used for wetting
  - III.R.3.a. Transfer Stations may not accept ACWM unless approved by the HMWMD
  - III.S.1.c. For renovation/demolition or abatement purposes, sheet vinyl flooring is considered friable unless removed under III.S.1.d.
  - III.S.2.a. Asbestos cement products in amounts greater than the trigger levels must be removed prior to demolition





# Significant Changes

continued

- Section III.
  - III.T.1.a. An owner, operator or contractor who causes or discovers a major spill must report it to the Division
  - III.T.1.b. An Asbestos Building Inspector who determines that a major spill is present must immediately inform the owner/operator or contractor and with in 24 hours, notify the Division
  - III.T.2.c. If done, an AMS must delineate a major spill
  - III.T.2.d. Outlines the major spill response by the GAC
  - III.T.2.e. the Division will put additional requirements in writing
  - III.T.2.g. Additional gross removal is not part of the spill response
  - III.W A minimum set of requirements for structurally unsound facilities was added



# Significant Changes continued

- FORMS
  - Asbestos Training Course Instructor Initial Application
  - Asbestos Training Course Instructor Renewal Application
  - Request for Asbestos Inspection Exemption
  - Major Asbestos Spill Notification
  - Request for Waiver of the 10-Working Day Notification Period
  
- FAQ - dated 3/8/21



# Guidance Documents

- In process of developing a list and timeline
  - Major spill delineation
  - Additional information on structurally unsound buildings
  - Variances
  - Instructor Qualifications



# Sunset

- Regulation 8, Part B is in process of a Sunset Review.
- DORA - Department of Regulatory Agencies
- On the Asbestos web page there is a link
- Typical Process
  - Information gathering
  - Review
  - Writing
- Published sometime after October for the next Legislative Session (2022)



# Q & A

- Please provide your name and company name (if applicable)

# THANK YOU!

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More questions?

[cdphe.lead@state.co.us](mailto:cdphe.lead@state.co.us)

[Cdphe.asbestos@state.co.us](mailto:Cdphe.asbestos@state.co.us)



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