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2001



SENATE BILL 01-121

BY SENATOR(S) Taylor;
also REPRESENTATIVE(S) Hoppe, Mace, and Romanoff.

CONCERNING CONTINUATION OF THE ASBESTOS CONTROL PROGRAM, AND
MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Repeal. 24-34-104 (30) (a) (IV), Colorado Revised Statutes, is repealed as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment.
(30) (a) The following functions of the specified agency shall terminate on July 1, 2001:

~~(IV) The following agencies, functions, or both, shall terminate on July 1, 2001: The certification of persons in connection with the control of asbestos pursuant to part 5 of article 7 of title 25, C.R.S.;~~

SECTION 2. 24-34-104 (37), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

Capital letters indicate new material added to existing statute; dashes through the words indicate deletions from existing statutes and such material not part of act.

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (37) The following agencies, functions, or both, shall terminate on July 1, 2006:

(d) THE CERTIFICATION OF PERSONS IN CONNECTION WITH THE CONTROL OF ASBESTOS PURSUANT TO PART 5 OF ARTICLE 7 OF TITLE 25, C.R.S.

SECTION 3. 25-7-512, Colorado Revised Statutes, is amended to read:

25-7-512. Repeal of part. This part 5 is repealed, effective July 1, 2006. Prior to such repeal, the functions of the division under this part 5 shall be reviewed as provided for in section 24-34-104, C.R.S.

SECTION 4. 25-7-502 (1) and (6), Colorado Revised Statutes, are amended to read:

25-7-502. Definitions. As used in this part 5, unless the context otherwise requires:

(1) (a) "Area of public access" means any building, facility, or property, or only that portion thereof, ~~which~~ THAT any member of the general public can enter without limitation or restriction by the owner or lessee under normal business conditions; except that "area of public access" includes A SINGLE-FAMILY RESIDENTIAL DWELLING AND any facility ~~which~~ THAT charges the general public a fee for admission, such as any theater or arena. For purposes of this subsection (1), "general public" does not include employees of the entity ~~which~~ THAT owns, leases, or operates such building, facility, or property, or such portion thereof, or any service personnel or vendors connected therewith.

(b) THE COMMISSION SHALL ESTABLISH A STAKEHOLDER PROCESS TO REVIEW THE DEFINITION OF "AREA OF PUBLIC ACCESS" AND SEND A REPORT CONTAINING ITS RECOMMENDATIONS, INCLUDING STATUTORY CHANGES, IF ANY, TO THE GENERAL ASSEMBLY BY NOVEMBER 1, 2001.

(c) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (1), A SINGLE FAMILY RESIDENTIAL DWELLING SHALL NOT BE CONSIDERED AN AREA OF PUBLIC ACCESS FOR PURPOSES OF THIS PART 5 IF

THE HOMEOWNER WHO RESIDES IN THE SINGLE FAMILY DWELLING THAT IS THE HOMEOWNER'S PRIMARY RESIDENCE REQUESTS, ON A FORM PROVIDED BY THE DIVISION, THAT THE SINGLE FAMILY DWELLING NOT BE CONSIDERED AN AREA OF PUBLIC ACCESS.

(6) "Friable asbestos-containing material" means any material that contains asbestos and when dry can be crumbled, pulverized, or reduced to powder by hand pressure and ~~which~~ THAT contains more than one percent asbestos by weight, AREA, OR VOLUME. The term includes nonfriable forms of asbestos after such previously nonfriable material becomes damaged to the extent that when dry it can be crumbled, pulverized, or reduced to powder by hand pressure.

SECTION 5. 25-7-503 (1) (a) (IV), (1) (b) (I), and (1) (b) (III), Colorado Revised Statutes, are amended to read:

25-7-503. Powers and duties of the commission - rules and regulations - delegation of authority to division. (1) The commission has the following powers and duties:

(a) To promulgate rules and regulations pursuant to section 24-4-103, C.R.S., regarding the following, as are necessary to implement the provisions of this part 5 only for areas of public access:

(IV) Requirements for air pollution permits. ~~which~~ PERMITS shall be required for asbestos abatement projects in any building, facility, or structure, or any portion thereof, having public access; EXCEPT THAT THE REQUIREMENTS OF THIS SUBPARAGRAPH (IV) SHALL NOT APPLY TO ASBESTOS ABATEMENT PROJECTS PERFORMED BY AN INDIVIDUAL ON A SINGLE-FAMILY RESIDENTIAL DWELLING.

(b) To promulgate rules and regulations pursuant to section 24-4-103, C.R.S., regarding the following, as are necessary to implement the provisions of this part 5, as required by the federal "Clean Air Act", 42 U.S.C. section 7412, et. seq., as amended:

(I) Determination of the minimum scope of asbestos abatement to which the provisions of this part 5 shall apply, but not less than:

(A) WITH REGARD TO ASBESTOS ABATEMENT PROJECTS ON A

SINGLE-FAMILY RESIDENTIAL DWELLING, FIFTY LINEAR FEET ON PIPES OR THIRTY-TWO SQUARE FEET ON OTHER MATERIALS OR THE EQUIVALENT OF A FIFTY-FIVE-GALLON DRUM;

(B) WITH REGARD TO ASBESTOS ABATEMENT PROJECTS NOT SUBJECT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I), two hundred sixty linear feet on pipes or one hundred sixty square feet on other materials or the equivalent of a fifty-five-gallon drum;

(III) (A) Procedures for the inspection and monitoring of sites where demolition, renovation, or the performance of asbestos abatement is taking place, including rules assuring that aggressive air monitoring shall be utilized only in the context of conducting final clearance of an abatement project as outlined in the FEDERAL "Asbestos Hazardous Emergency Response Act of 1986", 42 U.S.C. SEC. 2641 ET SEQ., and pursuant to the regulations found at 40 C.F.R. part 763. Specifications as listed in "measuring airborne asbestos following an abatement action", published by the environmental protection agency in 1985, shall be adopted by the commission as criteria for aggressive sampling.

(B) THE DIVISION SHALL PROVIDE INFORMATION TO LOCAL GOVERNMENTS TO BE USED IN CONNECTION WITH THE ISSUANCE OF A BUILDING PERMIT REGARDING THE NEED FOR AN INSPECTION FOR THE PRESENCE OF ASBESTOS-CONTAINING MATERIALS PRIOR TO RENOVATION OR DEMOLITION OF ANY BUILDING, STRUCTURE, FACILITY, OR INSTALLATION THAT MAY CONTAIN ASBESTOS.

SECTION 6. 25-7-504 (3), Colorado Revised Statutes, is amended to read:

25-7-504. Asbestos abatement project requirements - certification required for schools - certificate to perform asbestos abatement - certified trained persons. (3) THE REQUIREMENTS OF THIS SECTION SHALL APPLY TO ASBESTOS ABATEMENT ON A SINGLE-FAMILY RESIDENTIAL DWELLING; EXCEPT THAT the requirements of this section shall not apply to any individual who performs asbestos abatement on a single-family RESIDENTIAL dwelling ~~which~~ THAT IS HIS THE INDIVIDUAL'S primary residence.

SECTION 7. Part 5 of article 7 of title 25, Colorado Revised

Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

25-7-506.5. Certification of air monitoring specialist. (1) NO PERSON MAY PERFORM AIR MONITORING OR AIR MONITORING SPECIALIST ACTIVITIES FOR ASBESTOS, AS SET FORTH IN RULES PROMULGATED BY THE COMMISSION, INCLUDING VISUAL CLEARANCE INSPECTIONS OF AN ASBESTOS ABATEMENT PROJECT, WITHOUT FIRST OBTAINING A CERTIFICATE PURSUANT TO THIS SECTION.

(2) ANY INDIVIDUAL MAY APPLY TO THE DIVISION TO BE CERTIFIED AS AN AIR MONITORING SPECIALIST BY SUBMITTING AN APPLICATION IN THE FORM SPECIFIED BY THE DIVISION AND PAYING A FEE SET BY THE COMMISSION. WITHIN FIFTEEN DAYS AFTER RECEIVING AN APPLICATION, THE DIVISION SHALL NOTIFY THE APPLICANT AS TO WHETHER THE APPLICATION IS COMPLETE.

(3) WITHIN THIRTY DAYS AFTER RECEIVING A COMPLETED APPLICATION, THE DIVISION SHALL ISSUE A CERTIFICATION VALID FOR A ONE-, THREE-, OR FIVE-YEAR PERIOD FROM THE DATE OF ISSUANCE UPON A FINDING THAT THE APPLICANT HAS SUCCESSFULLY MET THE EXPERIENCE, EDUCATION, AND TRAINING REQUIREMENTS AND HAS PAID A FEE, AS SET FORTH IN RULES PROMULGATED BY THE COMMISSION.

SECTION 8. The introductory portion to 25-7-508 (2) (a), Colorado Revised Statutes, is amended to read:

25-7-508. Grounds for disciplinary action - letters of admonition - denial of certification - suspension, revocation, or refusal to renew - requirement for corrective education - administrative fines. (2) (a) The division may take disciplinary action in the form of the issuance of a letter of admonition or, in conformity with the provisions of article 4 of title 24, C.R.S., the suspension, revocation, or refusal to renew certification pursuant to section 25-7-505, 25-7-506, 25-7-506.5, or 25-7-507 should the division find that a person certified under this part 5:

SECTION 9. Appropriation - adjustment to 2001 long bill. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the stationary sources control fund created in section 25-7-114.7 (2) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for allocation to the air

quality control division, stationary sources, hazardous and toxic control, personal services, for the fiscal year beginning July 1, 2001, the sum of four hundred thirty-eight thousand four hundred one dollars (\$438,401) and 7.9 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the stationary sources control fund created in section 25-7-114.7 (2) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for allocation to the air quality control division, stationary sources, hazardous and toxic control, operating expenses, for the fiscal year beginning July 1, 2001, the sum of thirty-eight thousand two hundred sixty-one dollars (\$38,261), or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the stationary sources control fund created in section 25-7-114.7 (2) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for the fiscal year beginning July 1, 2001, the sum of thirty-six thousand ninety-nine dollars (\$36,099) and 0.7 FTE, or so much thereof as may be necessary, for the implementation of this act.

SECTION 10. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Stan Matsunaka
PRESIDENT OF
THE SENATE

Doug Dean
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

Judith Rodrigue
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO