

Asbestos-Contaminated Soil Regulations in Colorado



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Background

Asbestos-contaminated soil

- Asbestos-contaminated soil has been identified at several sites in Colorado; it is also an emerging national issue
- Potential exposure risks when disturbed
- Proper management necessary to prevent exposure



Background

- **Management previously conducted under:**
 - Colorado Solid Waste Act and Regulations
 - Colorado Hazardous Waste Act
 - Air Quality Control Commission Regulation No. 8
- **These regulations lacked specific requirements for management of asbestos-contaminated soil**
- **Needed clear regulations that codified the risk-management approach already applied at sites in Colorado**

New Regulations

- **Amendment to the Colorado Solid Waste Regulations (6 CCR 1007-2, Part 1):**
 - Section 1.2 - Definitions
 - Section 5.5 - Asbestos-Contaminated Soil
- **Adopted February 15, 2006**
- **Became Effective April 30, 2006**

Section 5.5

Asbestos-Contaminated Soil

- **Requires proper management - ONLY when asbestos-contaminated soil is disturbed**
 - No requirement to ‘chase’ or remediate asbestos contamination
- **Clarifies requirements for:**
 - Identification
 - Onsite management
 - Disposition

Applicability

Owners or Operators of sites:

With asbestos-contaminated soil based on:

- visible observation
- past sampling, or
- knowledge/data of historical activities

And, with current or planned soil-disturbing activities

Removal of Asbestos-Containing Material

1. On a facility component
 - And, on or in soil that will be disturbed
 - And, below AQCC Regulation No. 8 trigger levels
2. Pieces that are **not** on a facility component
 - And, on or in soil that will be disturbed

Exemptions

Does Not Apply to:

- Removal of solely non-friable asbestos from soil
- Abatement of facility components under AQCC Regulation No. 8
- Spill response under AQCC Regulation No. 8
- Naturally occurring asbestos
- “Background” not associated with site activities
- De Minimis Projects
 - Less than 1 cubic yard
 - And, using low-emission excavation methods
- Projects by home owner on primary residence

Key Definitions

Asbestos-Contaminated Soil

Soil containing any amount of asbestos.

Soil-Disturbing Activities

Excavation, grading, tilling, or any other mechanical activity.

Facility Component

Any part of a “facility” including equipment.

“Facility” - as defined in AQCC Regulation No. 8

Unplanned Asbestos Discovery

- **Immediate actions**
 - Stop soil-disturbing activities
 - Control site access
 - Stabilize surface soil
- **24-hour notification**
 - Property and project information
- **Interim Actions**
 - Take appropriate measures to control emissions
 - Submit a Soil Characterization and Management Plan, or implement approved standard procedures

Planned Asbestos Management

- **Ten working day notification**
 - Property and project information
- **Soil Characterization and Management Plan**
 - Site Information
 - Any proposed characterization
 - The proposed soil-disturbing activities
 - Proposed exposure mitigation and asbestos fiber control measures
 - Site access control
 - Air monitoring plan
 - Emissions control plan
 - Exposure mitigation plan for asbestos left in place
 - Disposal plan

Remediation

If property owner chooses to remediate:

- Submit an asbestos remediation plan that complies with Section 5.5 and includes:
 - Soil Characterization and Management Plan
 - Detailed description of planned remediation
 - Proposed use of the property and area of remediation
 - Any planned engineering controls to prevent exposure to any asbestos left in place

Training and Certification

- **On-the-job asbestos-contaminated soil awareness training**
 - Individuals conducting soil-disturbing activities
- **Asbestos awareness training, in accordance with OSHA requirements**
 - Individuals conducting soil-disturbing activities in areas with asbestos
- **Training conducted by:**
 - Asbestos Supervisor, Building Inspector or Project Designer certified in accordance with AQCC Regulation No. 8
 - With 6 months of asbestos-contaminated soil experience

Training and Certification (cont.)

- **Inspection and identification of asbestos**
 - Asbestos Building Inspector certified in accordance with AQCC Regulation No. 8
 - And, with 6 months of asbestos-contaminated soil experience
- **Soil Characterization and Management Plans**
 - Prepared and signed by an Asbestos Project Designer certified in accordance with AQCC Regulation No. 8
- **Air monitoring**
 - By an Air Monitoring Specialist certified in accordance with AQCC Regulation No. 8

Disposal

Asbestos-Contaminated Soil with:

- **Visible friable asbestos**
 - Transported and disposed in leak tight containers
 - Disposed of as friable asbestos waste
- **Only visible non-friable asbestos**
 - Transported and disposed in leak tight containers
 - Disposed of as non-friable asbestos waste
- **No visible asbestos**
 - Transported and disposed in leak tight containers
 - Disposed of in the same manner as non-friable asbestos waste

Soil that is not asbestos-contaminated can be replaced into the disturbed area

Fees

- **In accordance with Section 1.7.2**
- **Based on total documented costs**
 - Review of Soil Characterization and Management Plan
 - Review of related documents
 - Department oversight activities
- **Paid by the owner, operator, or person conducting soil-disturbing activities**

Guidance Document

- **Broad overview of asbestos-contaminated soil**
 - Solid Waste Regulations
 - Hazardous Waste Regulations
 - Voluntary Cleanup Program
- **Best management practices and exposure mitigation methods**
- **Update as necessary based on feedback during implementation of the regulations**

Additional Information

Solid Waste Regulations

<http://www.cdphe.state.co.us/regulations/solidwaste/100702disposalsites&facilities.pdf>

Guidance Document

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

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