



**Colorado Department of Public Health and
Environment
Air Pollution Control Division**

Submit form to:
Colorado Dept. of Public Health and
Environment
APCD-IE-B1
4300 Cherry Creek Drive South
Denver, CO 80246-1530
Phone: 303-692-3100
Fax: 303-782-0278

**Single-Family Residential Dwelling
Area of Public Access Opt-out Form**

Owner Name: _____
Street Address: _____
City: _____ State: Colorado County: _____ Zip: _____
Phone Number: _____
Start Date of Project: _____
Completion Date of Project: _____

In June 2001, Colorado implemented a new law that extended the regulatory umbrella of asbestos abatement protections to single-family residential dwellings with regulations that, until recently, have only applied to public and commercial buildings.

Asbestos is a known human carcinogen and is an airborne hazard. Once airborne, asbestos fibers can stay suspended in the air for days, weeks or even months before settling out of the air, only to become airborne again because of some minor disturbance. Moreover, asbestos fibers can easily migrate through the air and, because of their microscopic size, ignore barriers like fences or locked doors that easily restrict people but not microscopic fibers. Since the air in buildings can move from room to room as a result of many factors, fibers, riding the air currents, can and will migrate to other areas of a building.

Uncontrolled asbestos abatement projects or renovation projects that disturb asbestos may cause latent asbestos hazards that could expose people to asbestos in the future, long after the renovation activity occurred. For example, removal of asbestos texturing without any engineering controls may allow asbestos residues to accumulate in cracks, crevices, storage cabinets, lighting fixtures, door and window frames, ventilation ducts, radiators, vents, etc. This asbestos residue may not release fibers until the occupants, who, by turning on the air-conditioner, opening a window or door, or changing out a light fixture, disturb it. The airborne asbestos fiber concentrations resulting from this disturbance may result in a significant exposure to the current and future occupants of the home.

Currently in public and commercial buildings, asbestos abatement work is regulated and monitored by the Colorado Department of Public Health and Environment. Asbestos abatement workers must be trained in asbestos abatement, certified by the Colorado Department of Public Health and Environment, and follow work practices known to prevent or contain the release of asbestos fibers when asbestos is disturbed. Companies that perform asbestos abatement are required to use safe work practices, *but only if the asbestos abatement removal work takes place in an area of public access.*

Since the scope of previous public health regulations did not include single-family residential dwellings, the Colorado Department of Public Health and Environment was unable to protect homeowners from these exposures. With this new law homeowners who reside in the home they wish to renovate can now choose to be afforded the same protections as they are entitled to in a public and commercial building, *unless the homeowner chooses to waive this protection.*

To waive these protections, the homeowner must sign this form declaring that they do not want their home to be considered an "Area of Public Access" for purposes of determining the applicability of portions of Colorado's asbestos regulation. The term "Area of Public Access" is unique to Colorado's asbestos regulation and basically determines if an abatement permit, engineering controls, and air clearance testing is required. ***If a building is not an "Area of Public Access" then only certification, notification and asbestos disposal requirements in Colorado's regulation are applicable.*** This declaration will not affect you in any other way as it only determines your home's status with respect to Colorado's asbestos abatement regulation.

As with most regulatory protections, there is a monetary cost. The cost of the asbestos abatement project in your home will be greater if your home is considered an "Area of Public Access" because the contractor will have to comply with stringent requirements necessary to protect public health. The project will require an abatement permit from the Colorado Department of Public Health and Environment and will thus be regulated and fall under the contractor compliance monitoring program administered by the Colorado Department of Public Health and Environment.

The following are the Notification and Permitting Fees for all work on single-family residential dwellings that is **not** performed by the owner:

Amount of Asbestos being Abated:	Notification Fee for Opt-Out and Non-Friable Projects in Single-Family Residential Dwellings	Permit Fee for Projects on Friable Asbestos-Containing Materials – Includes the \$55 Notice Fee		
		Project Length		
		1 – 30 days	31 - 90 days	91 - 365 days
Less than 50 linear feet or 32 square feet or the volume equivalent of a 55-gallon drum	\$0	\$0	\$0	\$0
Greater than 50 linear feet or 32 square feet or the volume equivalent of a 55-gallon drum, but less than or equal to 260 linear feet or 160 square feet or the volume equivalent of a 55-gallon drum	\$60	\$180	\$300	\$420
Greater than 260 linear feet or 160 square feet or the volume equivalent of a 55-gallon drum	\$60	\$400	\$800	\$1200

Pursuant to Colorado law (25-7-502(1)(c), C.R.S.) I, the undersigned, hereby request that my single-family residential dwelling not be considered an area of public access, as defined in 25-7-502 C.R.S.

I hereby certify that the home for which this waiver applies is a single-family residential dwelling with the address given on page one, that I own the residential dwelling located at the above address and that it is my primary place of residence. I do not rent or lease any part of the dwelling to another person or company or use it as a business. I further attest that I have no plans to demolish, sell, or rent my home at the conclusion of the Project. I understand that any work conducted on the outside of my home is always in an area of public access and that I cannot use this opt-out form for work conducted on the outside of my house.

All notifications to the Division of the intent to abate asbestos containing materials above the trigger levels, whether in an area of public access or not, require a 10-working day waiting period prior to any work starting on the project. The waiting period is required for the Division to process the notification and schedule any inspection of the project. The Division may decide, on a case-by-case basis, to waive all or part of the required waiting period. I understand that signing this Opt-out form in no way affects the Division’s decision on whether or not to waive the 10 working-day waiting period.

Where the homeowner has chosen to opt-out, the residential dwelling will revert to being an area of public access subject to all the protective requirements contained in Colorado Air Quality Control Commission’s Regulation No. 8, Part B: 1) at the time of the homeowner’s choosing; 2) when the homeowner no longer own the single-family residential dwelling; or, 3) if the dwelling ceases being the homeowner’s primary residence, whichever is first.

If you wish to designate an opt-out expiration date at this time, please fill in a date in the space provided:

Opt-out Expiration Date: _____

You may also designate an opt-out expiration date at some point in the future by contacting the Air Pollution Control Division at the number provided below.

I have read both pages of this form and understand its content. I understand that by making this declaration, most of the protective requirements contained in Colorado Air Quality Control Commission’s Regulation No. 8, Part B, on asbestos will not be applicable to my dwelling and I will not be afforded all the protections provided by this regulation.

By signing below, I acknowledge that the above statements are true and correct.

Homeowner: _____
Signature Date

Homeowner: _____
Signature Date

General Asbestos Contractor (GAC): _____

GAC Phone Number with Area Code: _____

GAC Fax Number with Area Code: _____

If you have any questions, please call the Air Pollution Control Division at (303) 692-3100.

Visit our web site at: <http://www.cdphe.state.co.us/ap/asbeshom.asp>

FOR APCD USE ONLY	
Date Received:	
Approved By:	
Notice/Permit Number:	