



State of Utah

Department of Environmental Quality
Division of Air Quality
Lead-Based Paint Program
150 North 1950 West
P.O. Box 144820
Salt Lake City, Utah 84114-4820

UDEQ/DAQ Date Received Stamp Only

DRAFT

Check #/Amount _____

Single-Family Residential Dwelling Contract for Hire Opt-Out Form

A. General Instructions

Please complete each section of the application. Please be aware that proper and thorough completion of this application will expedite the opt-out process and you will receive your verification sooner. Please complete this form by writing legibly (using blue or black ink only) or by using a typewriter/computer printer.

B. Applicant Information

Owner Name: _____
Last First Initial

Home Address: _____
Street Address/P.O. Box City State Zip Code

Mailing Address: _____
(If different than address, above) Street Address/P.O. Box City State Zip Code

Home Phone # (_____) _____ - _____ Business Phone # (_____) _____ - _____ ext. _____

Fax # (_____) _____ - _____ E-mail Address: _____

Project Start Date: _____
Month/Day/Year

Expected Project Completion Date: _____
Month/Day/Year

C. Background and Warning

For several years Utah has regulated asbestos renovation projects conducted for hire in residential dwellings. The regulatory umbrella of asbestos renovation protections has protected occupants of single-family residential dwellings.

Asbestos is a known human carcinogen and is an airborne hazard. 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 contract for hire, asbestos abatement work is regulated and monitored by the Utah Division of Air Quality. Asbestos abatement workers must be trained in asbestos abatement, certified by the Utah Division of Air Quality, 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 as contract for hire.*

With this new program 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 contract for hire situations, *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 a “contract for hire project” for purposes of determining the applicability of portions of Utah’s asbestos regulation. The term “contract for hire” is unique to Utah’s asbestos regulation and basically determines if an abatement notification, certification and engineering controls are required. ***If a single family residence project is not “contract for hire” then no certification, notification and asbestos disposal requirements in Utah’s asbestos regulation are applicable.*** This declaration will only determine your home’s status with respect to Utah’s asbestos renovation regulation.

As with most regulatory protections, there is a monetary cost. The cost of the asbestos renovation project in your home will be greater if your home is considered “contract for hire” because the contractor will have to comply with stringent requirements necessary to protect public health. The project will require an abatement notification to the Utah Division of Air Quality and will thus be regulated and fall under the contractor compliance monitoring program administered by the Utah Division of Air Quality.

D. Notification Fees

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

Amount of Asbestos being removed:	Notification Fee for Opt-Out and Non-Friable Projects in Single-Family Residential Dwellings	Notification Fee for Residential Projects on Friable Asbestos-Containing Materials		
		Project Amounts In. or sq. ft.		
		Base	Under 10,000	Over 10,000
Less than 3 linear feet or 3 square feet	\$0	\$0	\$0	\$0
Greater than 3 linear feet or 3 square feet , but less than or equal to 260 linear feet or 160 square feet or the volume equivalent of a 55-gallon drum	\$0	\$0	\$0	\$0
Greater than 260 linear feet or 160 square feet or the volume equivalent of a 55-gallon drum	\$40	\$40+	+\$5/100	+\$2/100

E. Certification

Pursuant to Utah law (19-2-104(3)(r), U.C.A.) I, the undersigned, hereby request that the renovation project in my single-family residential dwelling not be considered contract for hire, as defined in 19-2-104 U.C.A.

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 considered contract for hire and that I cannot use this opt-out form for work conducted on the outside of my house or for pre-demolition or if the property is to become commercial property.

All notifications to the Division of the intent to conduct renovation of asbestos containing materials above the trigger levels, 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 waiver the 10 working-day waiting period.

Where the homeowner has chosen to opt-out, the residential dwelling will revert to being subject to all the protective requirements contained in Utah Air Quality Board's Regulation UAC R307-801: 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.

F. Expiration

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 Utah Division of Air Quality at the number provided below.

G. Additional Information

H. Declaration Statement

I have read all pages of this form and understand its content. I understand that by making this declaration, most of the protective requirements contained in the Utah Air Quality Boards's Regulation UAC R307-801, 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.

Homeowners Signature

Date Signed

Homeowners Signature

Date Signed

I. Contractor information

General Contractor (GC): _____

GC Phone Number with Area Code: _____

GC Fax Number with Area Code: _____

GC Business Name: _____
Name

Street Address, Suite #

City

State

Zip Code

General Contractor: _____
Signature Date

Before you mail your application, please check to make sure you have:

- Filled out all sections of the application ?
- Enclosed any other necessary documentation?
- Read all sections?
- Enclosed the appropriate fees?
- Signed and dated the application?
- Made a copy of this application for your files?

If you have any questions, please call the Division of Air Quality at (801) 536-4000.

Visit our web site at: <http://www.airquality.utah.gov/HAPs/ASBESTOS/index.htm>

Mail original completed application, supporting materials and fees in one package to:

Utah Department of Environmental Quality
Division of Air Quality
Asbestos Program
150 North 1950 West
P.O. Box 144820
Salt Lake City, UT 84114-4820

<u>Official Use Only</u>	<i>Applicants: Please do not write in this area</i>	<u>Official Use Only</u>
Date Application Received _____	Fee Amount Received _____	
Date Application Reviewed _____	Date Additional Information Requested _____	
Date Additional Information Received _____	Date Application Approved _____	
Opt-Out Expiration Date _____	Opt-Out # _____	
Additional Information:		
DAQA-0???-09		