



November 15, 2023

Ms. Laura Manyak, Program Manager
Indoor Environment Program
Air Pollution Control Division
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, Colorado 80246

RE: Regression from Updated Data-Processing Systems Decreases the Program’s Efficiency, Its Ability to Fulfill the Regulation’s Intentions, and Recommendations Made by DORA in the 2021 Review of the Act

Dear Ms. Manyak,

This letter is submitted on behalf of members of the Colorado Environmental Professionals Association (CEPA) to address an issue that has extended the time needed to obtain an asbestos abatement or demolition permit from 11 business days, as intended by *NESHAPs* and *Regulation Number 8*. It has come to our attention that the Indoor Environment Program (Program) Air Pollution Control Division (Division) will no longer electronically transmit approved permit applications to the regulated industry. Per Division emails received by CEPA members, “that process was a relic of the COVID era.” Consequently, the Division has reverted to using the US Postal Service’s Standard First-Class Mail for transmission of all permits in paper format, resulting in significant delays.

For example, the CCOD will not process a permit application without a Division-approved demolition permit attached. Therefore, this regressive policy prevents a demolition contractor from concurrently applying for other county and/or municipal abatement or demolition permits. Local permitting was a streamlined process when contractors could simply forward a state-approved application electronically to CCOD. Reverting to mailing a physical permit to the contractor unnecessarily extends the local permitting process by 5-7 business days. This slowdown prevents the scheduled work from commencing within 11 business days from application submittal, as intended by the *NESHAPs* and *Regulation Number 8*, adopted by the EPA and the State of Colorado respectively.

Prior to the mandated COVID shutdown, complete applications were processed and approved at the Division’s permit window in real-time. The Division does not intend to reopen the window post-COVID; now all abatement and demolition applications are submitted electronically. An approved permit can also be returned electronically, and it takes no longer to reply to the applicant with an email stating their application is “approved” vs. “received.”

Colorado’s Revised Statutes (C.R.S.) require that the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) at the Department of Regulatory Agencies (DORA) conduct a robust review of Colorado’s Asbestos Control Act (Act) during a periodic Sunset Review and present a report to the Members of Colorado’s General Assembly. In the most-recent Sunset Review report from October of 2021, DORA states that:

“The report also discusses the effectiveness of the Air Quality Control Commission in carrying out the intent of the statutes and makes recommendations for statutory and administrative changes for the review and discussion of the General Assembly.”



During the Sunset Review of the Indoor Environment Program (Program) DORA maintains that:

“The Program has also indicated that the shift during the COVID-19 pandemic to more electronic processes has demonstrated that the Program does possess a need for additional technology, including updated data processing systems, equipment, and technical support.”

and

“The transition to a fully online payment system has proven to be an effective tool for increasing efficiency and reducing the need for in-person fee collection, including the elimination of the need to process cash payments. The implementation of the additional digital processes mentioned have further reduced the handling of paper documents, which has also increased the Program’s efficiency.”

In the above statements, the Program concedes that it needs to update its processes and admits that implementing technology has improved the Program’s efficiency in fulfilling its mission to serve the people of the state of Colorado. CEPA firmly holds that backsliding to snail-mailing physical copies of permits—when they can be transmitted electronically—brings no tangible benefits to protecting the public health or the environment. Moreover, Physically mailing paper permits directly contradicts DORA’s 2021 administrative recommendations:

Administrative Recommendation 5 – The Program should complete business process reengineering to increase efficiency in the services offered.

Administrative Recommendation 6 – The Program should upgrade to a new computer system and implement its utilization as soon as possible.

Administrative Recommendation 7 – The Commission should form a temporary stakeholder group to assist with the implementation of all other administrative recommendations.

It is CEPA’s intention to assist the Program in the above-referenced business process engineering and help eliminate arcane processes that exist merely “because that’s the way we’ve always done things in the past.” Reverting to mailing physical copies of permits goes against the recommendations from DORA, adds avoidable delays to obtaining additional permits, adds unnecessary postage costs to the Program’s budget, and fails to harness efficiency improvements provided by recent technological advances. We urge you to reconsider implementing this regressive policy and work with CEPA to form a temporary stakeholder group to assist with the implementation of all 7 of DORA’s administrative recommendations listed in the 2021 Sunset Review report.

Sincerely,

The Board of Directors of the Colorado Environmental Professionals Association