



State of Utah

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Department of  
Environmental Quality

Kimberly D. Shelley  
Executive Director

DIVISION OF AIR QUALITY  
Bryce C. Bird  
Director

July 21, 2021

DAQA-327-21

Michael Kelly  
Health and Safety Services  
2037 South Main Street  
Salt Lake City, UT 84115

Fred Donaldson  
DaVinci Academy  
2033 Grant Avenue  
Ogden, UT 84401

Dear Mr. Kelly and Mr. Donaldson:

Re: Review of AHERA Management Plan for Middle DaVinci

The documents submitted to the Utah Division of Air Quality (DAQ) as the Asbestos Hazard Emergency Response Act (AHERA) management plan has been reviewed. The following AHERA management plan has been accepted by the DAQ:

<u>AHERA Management Plan</u>	<u>Date Received</u>	<u>Date Accepted</u>
Middle DaVinci	June 24, 2021	July 15, 2021

Please contact Rachel Hancock at (801) 707-2684 or at rahancock@utah.gov if you have any questions regarding this letter.

Sincerely,

Jay Morris (Jul 20, 2021 08:14 MDT)

Bryce C. Bird  
Director

BCB:RAH:lr

Enclosure: AHERA Management Plan Review Checklist

AHERA MANAGEMENT PLAN REVIEW CHECKLIST

UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF AIR QUALITY

195 North 1950 West, 4th Floor South  
PO Box 144820  
Salt Lake City, UT 84114-4820

Local Education Agency:

DaVinci Academy  
2033 Grant Avenue  
Ogden, UT 84401

School or Facility:

Middle DaVinci  
215 East 22<sup>nd</sup> Street  
Ogden, UT 84401

Reviewer: Rachel Hancock

Date: July 15, 2021

Telephone Number: 801-707-2684

Please note that the correct and complete Asbestos Hazard Emergency Response Act (AHERA) management plans are ultimately the responsibility of the Local Education Agency (LEA). We hope that the Utah Division of Air Quality (DAQ) comments contained in this review will be helpful in meeting the AHERA requirements. U. S. Environmental Protection Agency (USEPA) correspondence emphasizes that states may want to note in their correspondence with an LEA, that even if an LEA's AHERA management plan is approved, USEPA may still determine after a subsequent on-site enforcement inspection that an LEA is violating the AHERA regulations.

REVIEW DETERMINATION

The AHERA management plan for the school(s) or facility(ies) named above is/are:

  X   Accepted        Not Accepted

PLEASE TAKE NOTE OF THE FOLLOWING COMMENTS

CRITICAL ITEMS - RESPONSE TO THE UTAH DIVISION OF AIR QUALITY IS REQUIRED:

If your AHERA management plan has not been accepted, it is because material required to comply with the AHERA regulation is either missing or deficient. You are required to make the indicated corrections to the AHERA management plan currently on file at the individual school as well as the district office. In addition, you are required to send a copy of the corrected page(s) to the DAQ. The AHERA regulation requires that these corrections and revisions be sent to us within 30 days. An extension of up to 90 days may be granted upon written request.

Item(s) that need revision are marked with either an "M" (missing) or a "D" (deficient). Item(s) marked "A" (adequate) are acceptable to the DAQ and no further action is required by the school district. Item(s) left blank are not required for this AHERA asbestos management plan and no further action is required by the school district. The following item(s) have been identified:

A   HOMOGENEOUS AREAS

Comments:

  A   INSPECTION AND SAMPLING

Comments:

       ASSESSMENT

Comments:

       RESPONSE ACTION

Comments:

       IMPLEMENTATION SCHEDULE

Comments:

  A   ACCREDITATION

Comments:

  A   OTHER

Comments: Designated person training has not occurred but is planned. Training must occur as soon as reasonably possible and records of the training must be added to the management plan. Record must include date training received, length of training (hours), course name, and topics covered. Topics required are: health effects of asbestos, detection, identification, assessment of ACM, options for controlling ACM, asbestos management programs, and relevant federal and state regulations.

I. Partial AHERA Rule Exclusion Letters

  A   A signed statement by principal architect or lead project engineer responsible for the construction of a new school building built after October 12, 1988, that no asbestos containing building materials (ACBM) were specified as a building material in any construction document for the building, and to the best of his or her knowledge, no ACBM was used in the building. A Utah certified asbestos inspector working for a Utah certified asbestos company can also assess the presence of asbestos in the structure by performing an asbestos inspection that meets all regulatory requirements of AHERA. The asbestos inspector must write a letter stating that no regulated asbestos containing material was found during the asbestos inspection. A copy of the AHERA asbestos inspection report must be submitted with the letter from the certified asbestos inspector.

II. General Inventory – 40 CFR 763.93(e)(1)

  A   A list of the names and addresses of each school building and whether the building contains friable ACBM, nonfriable ACBM, or ACBM assumed to be ACM

Comments:

III. Exclusions for inspections completed before December 14, 1987 – 40 CFR 763.93(e)(2) and 40 CFR 763.99

(If NO EXCLUSIONS declared for inspections before December 14, 1987, check box and skip to IV. Mark N/A at B, D, E, or F, if that type of exclusion not declared)

A. Dates(s) of inspection(s). (Required for all exclusions except (f), which is the exclusion for school buildings constructed after October 12, 1988)

B. Statement(s) by accredited inspector(s) that, based on sampling records:

(Check the appropriate box for the exclusion being declared)

- Friable ACBM was identified in homogeneous or sampling area(s)
- Nonfriable ACBM was identified in homogeneous or sampling area(s)
- Material determined not to be ACBM in homogeneous and sampling area(s) was/were sampled in substantial compliance with 40 CFR 763.85(a)

Each statement by an accredited inspector must include:

- \_\_\_ i. Signature of the accredited inspector
- \_\_\_ ii. Date of signature
- \_\_\_ iii. Accreditation agency (state or USEPA approved), and accreditation number (if applicable)

For each of the above exclusions (friable ACBM, non-friable ACBM, and material not ACBM), the additional information specified in (C) is required

C. A blueprint, diagram, or written description of each school building that clearly identifies:

- \_\_\_ i. Each location and approximate square or linear footage of any homogeneous or sampling area where material was sampled for ACM
- \_\_\_ ii. Exact locations, if possible, where each bulk sample was collected and the dates of collection
- \_\_\_ iii. Copies of laboratory analysis for all samples
- \_\_\_ iv. Dates of analysis
- \_\_\_ v. Other laboratory reports (if any prepared)

D. Statement(s) by accredited inspector(s) that, based on records of the inspection(s), suspected ACBM in homogeneous or sampling area(s) is assumed to be ACM

- \_\_\_ i. Signature of the accredited inspector
- \_\_\_ ii. Date of signature
- \_\_\_ iii. Accreditation agency (state or USEPA approved), and accreditation number (if applicable)

E. Statements(s) by accredited inspector(s) that, based on inspection records and contractor and clearance records, no ACBM is present in homogeneous or sampling area(s) where asbestos removal operations were conducted before December 14, 1987

- \_\_\_ i. Signature of the accredited inspector(s)
- \_\_\_ ii. Date of signature
- \_\_\_ iii. Accreditation agency (state or USEPA approved), and accreditation number (if applicable)

- \_\_\_ F. A signed statement by an architect or project engineer responsible for the construction of a new school building built after October 12, 1988, or an accredited inspector, that no ACBM was specified as a building material in any construction document for the building, or to the best of his or her knowledge, no ACBM was used as a building material in the building
  
- G. A copy of written assessments required to be made under 40 CFR 763.88 of material that was identified before December 14, 1987, (a) friable ACBM, (b) friable suspected ACBM assumed to be ACM, (c) non-friable material that is newly friable, or (d) thermal system insulation
  - \_\_\_ i. Name and signature of assessor
  - \_\_\_ ii. Date
  - \_\_\_ iii. Accreditation agency (state or USEPA approved), and accreditation number (if applicable)
  
- H. Descriptions of any response actions or preventive measures taken
  - \_\_\_ i. Name and addresses of the contractors involved
  - \_\_\_ ii. Start and completion of the work
  - \_\_\_ iii. Results of any air samples analyzed during and upon completion of work

Comments:

- IV. For inspections completed on or after December 14, 1987 – 40 CFR 763.85-88 and 40 CFR 763.93(e)(3)
  - A. A copy of the inspection report(s) completed under 40 CFR 763.85, which includes the following information:
    - A i. Inspection date(s)
    - A ii. Name and signature of each accredited person performing the inspection
    - A iii. Accreditation agency (state or USEPA approved), and accreditation number (if applicable)
  
  - B. A blue print, diagram, or written description according to 40 CFR 763.93(e)(3) that clearly identifies:
    - A i. Each location and approximate square or linear footage where material was sampled for ACM
    - A ii. The exact location where each bulk sample was collected
    - A iii. Date of collection
    - \_\_\_ iv. Homogeneous areas where suspected ACBM is assumed to be ACM
  
  - C. Homogeneous area list – 40 CFR 763.85
    - A i. List of homogeneous areas identified in (B) above that indicates whether those areas are surfacing material, thermal system insulation, or miscellaneous material

D. Collection of bulk samples – 40 CFR 763.86

- A i. Correct number of samples collected and analyzed according to 40 CFR 763.86
- A ii. Description of the manner used to determine sampling locations
- A iii. Name(s) and signature of inspector(s) who collected the bulk samples
- A iv. Accreditation agency (state or USEPA approved), and accreditation number (if applicable)

E. Analyses of bulk samples – 40 CFR 763.87

- A i. Dated copies of analyses
- A ii. Name and address of laboratories accreditation
- A iii. Name and signature of individual(s) who performed the analyses of bulk samples

F. Written assessments of all friable ACBM, friable suspected ACBM assumed to be ACM, and thermal system insulation – 40 CFR 763.88(b)

- \_\_\_ i. Dated assessment
- \_\_\_ ii. Name and signature of assessor
- \_\_\_ iii. Accreditation agency (state or USEPA approved) and accreditation number (if applicable)

Comments:

V. Designated Person – 40 CFR 763.93(e)(4)

A Training received by the designated person, including date training received, length of training (hours), course name, and topics covered. Topics required are: health effects of asbestos, detection, identification, assessment of ACM, options for controlling ACM, asbestos management programs, and relevant federal and state regulations

Comments: Designated person training has not occurred but is planned. Training must occur as soon as reasonably possible and records of the training must be added to the management plan.

VI. Response Action Recommendations – 40 CFR 763.90, 40 CFR 763.93(e)(6), and 40 CFR 763.88(d)

A. Written recommendation made to the LEA regarding response actions

- \_\_\_ i. Name and signature of the management planner making the recommendation
- \_\_\_ ii. Date
- \_\_\_ iii. Accreditation agency (state or USEPA approved) and accreditation number (if applicable)

Comments:

VII. Response Actions – 40 CFR 763.90, and 40 CFR 763.93(e)(6)

- A. Detailed descriptions of preventative measures and response actions to be taken
  - \_\_\_ i. Methods to be used for preventative actions and response actions
  - \_\_\_ ii. Locations where such actions and measures will be taken
  - \_\_\_ iii. Reasons for selecting each response action or preventative measure

Comments:

VIII. Assurance of Accreditation – 40 CFR 763.93(e)(7)

- A Statement that the person(s) who inspected for ACM and who will design or carry out response actions, (except for O&M activities), are or will be accredited by a state or USEPA approved course or program

Comments:

IX. ACBM Remaining After Response Actions – 40 CFR 763.93(e)(8)

- \_\_\_ A detailed description in the form of a blueprint, diagram, or written description of ACBM, or assumed ACM, that does or will remain in the school or facility after the response actions

Comments:

X. Activity Plans – 40 CFR 763.93(e)(9)

- \_\_\_ A. Plan for reinspection – 40 CFR 763.85
- \_\_\_ B. Plan for periodic surveillance – 40 CFR 763.92
- C. Operations and maintenance plan – 40 CFR 763.91
  - \_\_\_ i. Management planners recommendation regarding additional cleaning – 40 CFR 763.91(c)(2)
  - \_\_\_ ii. LEA's response to the recommendation

Comments:

XI. Notifications – 40 CFR 763.93(e)(10), and 40 CFR 763.93(g)(4)

A. Method to notify workers and building occupants, or their legal guardians about the following activities:

- A i. Inspections/reinspections
- A ii. Response actions
- A iii. Post response action activities, including:
  - A a. Periodic surveillance

A b. Reinspection activities

B. Notification of parent, teacher, and employee organizations/groups of the availability of the management plan:

- A i. Description of steps taken  
A ii. Dated copy of the notification

Comments:

XII. Resource Evaluation – 40 CFR 763.93(e)(11)

— An evaluation of the resources needed to complete the response actions successfully and carry out reinspections, operation and maintenance activities, periodic surveillance, and training

Comments:

XIII. Names and Signatures of Responsible Parties

A. Management Plan Consultants – 40 CFR 763.93(e)(12), and 40 CFR 763.93(f)

- A i. Name and statement of accreditation (state or USEPA approved course) for each consultant who contributed to the management plan  
A ii. Name and signed statement by the management planner that the management plan complies with AHERA requirements (optional)

B. Designated person sign-off – 40 CFR 763.93(i)

- A i. Signed certification by the designated person that the LEA's responsibilities under 40 CFR 763.84 have been met or will be met

Comments:

XIV. Record Keeping – 40 CFR 763.93(h) and 40 CFR 763.94(b-h)

A. For each preventative measure and response action already taken since December 14, 1987. The following information is required:

- i. A detailed written description of the measure or action
- a. Methods used
  - b. Location of measure or action
  - c. Reason for selecting each measure or action
  - d. Start and completion dates of the work
  - e. Names and addresses of all contractors involved
  - f. Accreditation agency (state or USEPA approved), and accreditation number (if applicable)
  - g. Storage or disposal site used (if applicable)



ii. Documentation of air sampling at the completion of each response action

- \_\_\_ a. Name and signature of any person collecting any air samples
- \_\_\_ b. The locations where air samples were collected
- \_\_\_ c. Date of collection
- \_\_\_ d. Name and address of the analyzing laboratory
- \_\_\_ e. Date of analysis
- \_\_\_ f. Results of analysis
- \_\_\_ g. Method of analysis
- \_\_\_ h. Name and signature of the person performing the analysis
- \_\_\_ i. Laboratory accreditation statement

B. Employee training already conducted since December 14, 1987 (16 hours of training required before an employee disturbs ACBM – 40 CFR 763.92(a)(1 and 2)

- \_\_\_ i. Name
- \_\_\_ ii. Job title
- \_\_\_ iii. Date training completed
- \_\_\_ iv. Location of training
- \_\_\_ v. Number of hours completed

C. If the initial cleaning required by 40 CFR 763.91(c) has already been conducted, the following information is required:

- \_\_\_ i. Name of person(s) who performed the cleaning
- \_\_\_ ii. Date of cleaning
- \_\_\_ iii. Locations cleaned
- \_\_\_ iv. Methods used

D. For operations and maintenance activities conducted under 40 CFR 763.91(d) since December 14, 1987, the following information is required:

- \_\_\_ i. Name of person(s) who performed the activity
- \_\_\_ ii. Start and completion dates
- \_\_\_ iii. Location
- \_\_\_ iv. Description of activity
- \_\_\_ v. If removal, the name and location of storage or disposal site

E. For each major asbestos activity performed under 40 CFR 763.91(e) since December 14, 1987, the following information is required:

- \_\_\_ i. Name and signature of person(s) who performed the activities
- \_\_\_ ii. Accreditation agency (state or USEPA approved), and accreditation number (if applicable).
- \_\_\_ iii. Start and completion dates of activities
- \_\_\_ iv. Location of activities
- \_\_\_ v. Description of activities
- \_\_\_ vi. If ACBM was removed, the name and location of the storage or disposal sites

F. For each fiber release episode, 40 CFR 763.91(f), that has occurred since December 14, 1987, the following information is required:

- i. Date and location of episode
- ii. Method of repair, preventative measures, or response action taken
- iii. Name of person performing the work
- iv. If removed, the name and location of storage or disposal site