

1. Definition

As used herein, the term "Hazardous Materials" means any flammable, explosive, reactive, or otherwise hazardous or toxic chemical, substance, mixture of substances, material or waste which is or becomes regulated by any local governmental authority, the State of Colorado or the United States Government. The term "Hazardous Materials" includes, without limitation, any material or substance that is (i) defined as a "hazardous substance" or "hazardous material" under any state law; (ii) gasoline or petroleum products; (iii) asbestos or an asbestos-containing material; (iv) mill tailings; (v) designated as a "hazardous substance" pursuant to the Federal Water Pollution Control Act (33 U.S.C. §1321), or any amendments thereto; (vi) defined as a "hazardous waste" pursuant to the Resource Conservation and Recovery Act (42 U.S.C. §6903) or any amendments thereto; (vii) defined as a "hazardous substance" pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. §9601) or amendments thereto; (viii) defined as a "regulated substance" pursuant to Subchapter IX, Solid Waste Disposal Act (Regulation of Underground Storage Tanks) (42 U.S.C. §6991) or amendments thereto; or (ix) regulated or covered under any of the federal or state regulations promulgated pursuant to any of the above-referenced laws.

2. Management and Supervision

The District's Environmental Health & Safety Manager (herein "Manager") shall administer the District's programs for acquisition, storage, disposal and transportation of Hazardous Materials utilized in instruction or in other District activities or operations. The Manager shall have responsibility for identification and management of all hazardous materials kept or used on District property, including, but not limited to, compliance by the District and its employees, agents and students with this regulation and all applicable federal, state and local Hazardous Materials laws, decisions, and regulations. The Manager shall also keep and maintain complete written records regarding the purchase, transportation and ultimate disposition of all Hazardous Materials located on District property. The Manager shall report to the Superintendent or his/her designee.

The Manager shall appoint a staff member at each District secondary school as a Safety Liaison ("Liaison") who shall coordinate the Hazardous Materials programs at his or her school as directed by the Manager. The Manager shall consult with the principal of such school regarding this appointment, which shall be a supplemental assignment in addition to the staff member's regular duties. The Liaison shall be required to execute a written agreement with the District regarding the duties and stipend available for this supplemental assignment.

3. Hazardous Materials Inventory

On or before January 1 of each year, the Manager or designee shall prepare or obtain up-to-date chemical inventories showing all Hazardous Materials kept or used in each District school or facility. Each inventory shall be in the format set out in HBAB-E, and shall include information regarding the common name of each Hazardous Material, the year it was purchased, the quantity on hand and each location where it is stored or kept.

At secondary schools, the Liaison will assist building level staff in preparing the annual Hazardous Material inventory for submission to the Manager.

The Manager will provide training for staff on how to conduct and complete the Hazardous Material inventory for their building or facility. Students and volunteers are prohibited from conducting or assisting others to conduct or complete the annual Hazardous Material inventory.

A Liaison or other staff member shall contact the Manager as needed to identify and inventory any unknown suspected Hazardous Material.

4. Inventory and Safety Data Sheet Books

Upon receipt of completed and updated Hazardous Materials inventories, the Manager shall prepare and file in each school classroom where Hazardous Materials are located a book containing the current chemical inventory pertaining to such classroom as well as a copy of the Safety Data Sheet ("SDS") published for each Hazardous Material listed in the inventory, in alphabetic order. The Manager shall also prepare and file in each school's main office all of the books of current inventories and associated SDS's for the Hazardous Materials kept or used at such school. Finally, the Manager shall prepare and file in the District administration office a complete set of the books of current inventories and associated SDS's for schools and other facilities within the District where Hazardous Materials are located. The Manager shall be responsible for establishing and maintaining the SDS's system for the district, which will be available at every facility.

Books containing Hazardous Materials inventories and associated SDS's are public records, and may be inspected by or disclosed upon request to any person, including District staff and representatives of other governmental agencies such as police, fire and emergency medical personnel.

5. Acquisition of Hazardous Materials

Except for Hazardous Materials ordered or purchased from the District warehouse, employees may purchase or otherwise acquire Hazardous Materials for use or storage on specific District property only with advance written approval from the Manager. Any Hazardous Materials purchased or otherwise acquired without obtaining such approval in accordance with the procedures set forth below shall be unauthorized, shall not be paid for or reimbursed with District funds, and shall be promptly removed from District property and disposed of in accordance with Section 8 below.

All purchases or other acquisition of Hazardous Materials, from sources other than the District Warehouse, shall be initiated by submission of a completed *Hazardous Materials Purchase Order Form, Exhibit EBAB-E(1)*, documenting the following information and required approvals:

- Requestor, Name, Building and Room Number
- Item Description
- Quantity
- Supplier
- SDS (Required - Yes or No)
- Supplier Item Number
- Location To Be Stored
- Requestor or Department Head (if applicable) Initial and Date
- Building Administrator - Initial and Date
- Liaison - Initial and Date
- Manager – Print, Sign, Date and Yes or No In Approved Column

The completed *Purchase Order Form EBAB-E* shall be delivered or sent to the Manager either by hard copy or electronically. Upon review and approval, the Manager shall return the signed *Order Form* to the requestor for purchase.

Acceptance of Hazardous Materials as a donation, gift, or any other means shall be subject to the same approval and purchase order requirements set forth above.

6. Regulatory Restrictions

A. PROHIBITED CHEMICALS

1. Definition. "Prohibited Chemicals" shall refer to those substances listed as Prohibited Chemicals in Appendix A to the "Rules and Regulations Governing Schools in the State of Colorado" ("Rules") promulgated by the Colorado Department of Public Health and Environment ("CDPHE"), 6 CCR §1010-6, as amended). A copy of such Appendix A shall be kept by the Manager.
2. Prohibition. Unless a variance is granted in writing by CDPHE, purchase, use, possession and/or storage of Prohibited Chemicals on District property is prohibited by the Rules. Accordingly, District personnel shall not purchase or accept donations of Prohibited Chemicals in the absence of a CDPHE-approved variance. No variance from CDPHE shall be sought except as directed by the Superintendent of Schools. If Prohibited Chemicals are found in any District school or facility and no variance has been granted for such Prohibited Chemicals, they shall be identified on the container label as "not for use" or "waste," segregated from other Hazardous Materials in the applicable chemical inventory, and promptly disposed of in accordance with Section 8 below.

B. RESTRICTED CHEMICALS

1. Definition. "Restricted Chemicals" shall refer to those substances listed as Restricted Chemicals in Appendix B to the Rules. A copy of such Appendix B shall be kept by the Manager.
2. Restrictions.
 - a. Purchase, acquisition, use and/or storage of Restricted Chemicals shall be allowed on District property only if a reasonable alternative or substitute is unavailable. If Restricted Chemicals are found in any District school or facility, they shall be removed and disposed of in accordance with Section 8 below unless the Manager determines that a reasonable alternative or substitute is unavailable. Determinations regarding the availability of a reasonable alternative or substitute shall be made by the Manager in consultation with the teacher, building administrator of the school or classroom where the Restricted Chemical would be used or stored. In the event the Manager's determination is contested, the Superintendent shall review the matter and render a final determination, which shall be final.
 - b. If a Restricted Chemical is allowed at a school, such chemical shall be identified as a Restricted Chemical in the school's Hazardous Material Inventory and addressed in a Chemical Hygiene Plan as required by Sections 6.12.1(E) and (F) of the Rules.
 - c. If a Restricted Chemical is allowed at a school, it shall be kept in a container bearing a "Restricted" label and a label stating the date the Restricted Chemical must be removed from the school or facility. This information must also be reflected on the chemical inventory for the location where the container is kept.
 - d. If a Restricted Chemical is allowed at a school, it may be stored in the school for up to five (5) years if it has an indefinite shelf life. Restricted Chemicals with a shelf life less than indefinite (limited, poor, fair, and good) may be stored in the school for up to one (1) year unless the manufacturer indicates a lesser period of time, in which case the lesser period shall apply. Restricted Chemicals shall be removed promptly after the expiration of their permitted storage period, and disposed of in accordance with Section 8.

C. RESTRICTED CHEMICALS (DEMONSTRATION ONLY)

1. Definition. "Restricted Chemicals (Demonstration Only) shall refer to Restricted Chemicals listed as Restricted Chemicals (Demonstration Only) in Appendix B2 to the Rules. A copy of such Appendix B2 shall be kept by the Manager.
2. Restrictions.
 - a. All of the restrictions set forth in Subsection 6. B. 2. above shall apply to Restricted Chemicals (Demonstration Only); and
 - b. If a Restricted Chemical (Demonstration Only) is allowed at a school, its use shall be limited to instructor demonstration. Students may not participate in the use, handling or preparation of Restricted Chemicals (Demonstration Only) as part of a demonstration.

7. Storage, Recycling or Transfer of Hazardous Materials

When a Liaison or other District employee identifies a Hazardous Material that may qualify as waste, they shall contact the Manager to arrange for transfer or disposal as appropriate. Only the Manager is authorized to declare a Hazardous Material as waste. Hazardous Materials no longer needed at one location may be available for recycling within the District to other programs or locations.

Storage of Hazardous Materials shall be in compliance with federal, state and local laws and regulations. All Hazardous Materials shall be separated according to compatible families (e.g. acids, metals, nitrates, halides, etc.) and stored safely in temperature-controlled storage areas. For example, volatile substances such as petroleum distillates must be stored in approved safety cabinets. Storage cabinets must be locked and remain inaccessible to students or other unauthorized individuals.

Transfer of Hazardous Materials within the District shall be accomplished in compliance with Section 9 below.

8. Disposal of Hazardous Materials

When a Liaison or other District employee identifies a Hazardous Material that may qualify as waste, such shall contact the Manager to arrange for transfer or disposal as appropriate. Only the Manager is authorized to declare Hazardous Materials as waste, and to arrange for disposal of such materials.

When Hazardous Materials are determined to be ready for disposal, the Manager will arrange for disposal in a manner that complies with all local, state and federal laws and regulations.

Federal and state laws and regulations provide exemptions from certain regulatory requirements for Very Small Quantity Generators (VSQG), i.e., those entities or locations that generate waste in amounts below statutory or regulatory threshold amounts. Disposal determinations made by the Manager should be made so as to preserve, if practicable, the VSQG status for each District school location and for any District central storage location.

The Manager shall maintain written documentation regarding every disposal of Hazardous Materials from any location(s) in the District. A duplicate of this documentation must be retained in permanent form at one additional location in the District.

9. Transportation of Hazardous Materials

Transportation of Hazardous Materials shall meet all local, state and federal requirements and will be coordinated by the Manager.

Any disposal or other activity requiring transportation of Hazardous Materials outside of Mesa County shall be accomplished by qualified contractors approved by the Manager.

Unless specific written approval is received from the Manager, no District employee or volunteer shall transport Hazardous Materials owned by or attributed to the District in his or her personal vehicle. Any unauthorized transportation of Hazardous Materials is prohibited.

No District employee or volunteer shall authorize, request or direct a student to transport Hazardous Materials in any vehicle, including a District vehicle.

10. Emergency Response Plan

The Manager shall develop an emergency response plan enabling any District employee who becomes aware of any incident involving Hazardous Materials to take appropriate action to protect students, staff, and the general public, as well as District property.

This plan will comply with all applicable laws and regulations and will be coordinated with the District and other District school and facility evacuation plans.

In addition, the Manager shall develop a response plan for each District school and facility where Hazardous Materials are located to handle spills and leaks of the Hazardous Materials kept at the location. The plan will address immediate emergency procedures, required notification and clean-up procedure and will comply with all applicable laws and regulations.

All information regarding a Hazardous Materials emergency or incident shall be communicated to the District's communication department and to, the Superintendent or his/her designee, for release to the public and news media as the Superintendent deems appropriate. No other District employee is authorized to release or disseminate information to the public or news media regarding any such incident.

The Manager shall confer with the District's legal counsel and the Superintendent's office regarding any notification or reports to or from insurance carriers or local, state or federal authorities that concern a Hazardous Materials emergency or incident.

11. Evacuation Plan

An evacuation plan will be developed and implemented for each District building or facility where Hazardous Materials are located. In developing the evacuation plan, consideration will be given to the location and the types of Hazardous Materials present at the location.

An evacuation drill shall be held at least once each calendar year at each such building or facility. Where possible, this plan will be coordinated with existing fire drills, bomb threat evacuation plans and may be conducted in conjunction with any of these other drills. Written records of the drill shall be maintained at the building or facility.

Copies of the evacuation plan will be posted within the building or facility at an appropriate location. Copies of the evacuation plan will be maintained by the Liaison, the location/building administrator, the Manager and any other designated person approved by any of the above-named persons.

Where practical, the evacuation plan will be coordinated with the local fire and law enforcement agencies having jurisdiction where the building or facility is located.

12. Training of Staff and Students

Staff members handling Hazardous Materials shall receive training from the Manager regarding the following topics:

- Identifying Hazardous Materials
- Chemical inventory and storage requirements
- SDS information
- Safe use of Hazardous Materials
- Purchasing Hazardous Materials
- Waste disposal
- Board policy, federal, state and local regulations
- Emergency and evacuation procedures

When Hazardous Materials are used in the classroom, both staff and students shall receive instruction in the handling and use of appropriate safety measures as part of the curriculum. Students shall also be instructed in emergency procedures, including evacuation plans. Student instruction on these matters shall be documented in records kept and maintained by the teacher in the classroom.

13. Contracts for Hazardous Materials Disposal.

The Manager, with approval of the Superintendent, may elect to contract for services necessary to dispose of the District's hazardous materials waste.

14. Coordination with Government Entities.

The District will coordinate hazardous waste compliance with other state and local government entities at the direction of the Manager. Staff will comply with regulatory inspections and implement corrective or remedial actions as directed by federal, state and local regulatory authorities.

15. Discipline.

Except as authorized in accordance this regulation, purchase, storage or use of Hazardous Materials is prohibited on District property, at District schools or facilities or with District funds. District staff members who purchase, transport, use, store or dispose of Hazardous Materials without the requisite approval or authorization to do so or in a manner contrary to the requirements, restrictions and procedures set forth in this Regulation shall be subject to discipline, up to and including termination.

Cross Reference:

DJB, Purchasing Procedures