

1 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

2 **Hazardous Materials and Waste Management Division**

3 **RADIATION CONTROL - COLORADO LOW INCOME RADON MITIGATION ASSISTANCE (LIRMA)**
4 **PROGRAM**

5 **6 CCR 1007-1 Part 21**

6 *[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

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8 **Adopted by the Board of Health October 19, 2016**

9 **Part 21: COLORADO LOW INCOME RADON MITIGATION ASSISTANCE (LIRMA) PROGRAM**

10 **21.1 Definitions**

- 11 A. "Certified test kit" means a radon test kit (and analysis) that is certified by the National Radon
12 Proficiency Program (NRPP) or the National Radon Safety Board (NSRB).
- 13 B. "Certified radon measurement contractor" means a contractor that is certified to conduct testing
14 by the National Radon Proficiency Program (NRPP) or the National Radon Safety Board (NSRB).
- 15 C. "Colorado Low Income Radon Mitigation Assistance Program" (LIRMA) means the assistance
16 program created to address local community needs through an assistance process established
17 pursuant to Section 25-11-114, C.R.S. administered by the Hazardous Materials and Waste
18 Management Division (HMWMD) at the Colorado Department of Public Health and Environment
19 (CDPHE).
- 20 D. "Conflict of Interest" consists of one or more the following conditions:
- 21 ~~1. A situation in which A~~ any individual who has a personal or financial interest that could
22 reasonably be perceived as an interest that may influence an individual in his or her official
23 duties.
- 24 E. "Department" means the Colorado Department of Public Health and Environment or CDPHE.
- 25 F. "Division" means the Hazardous Materials and Waste Management Division (HMWMD).
- 26 G. "Financial interest" means an interest held by an individual which is an ownership or vested
27 interest in an entity or employment, or investment interests, or a prospective employment for
28 which negotiations have begun, or a directorship or officership in an entity, or immediate family
29 members.
- 30 H. "Fiscal year" means the period commencing July 1 of a calendar year and concluding June 30 of
31 the following calendar year.
- 32 I. "Homeowner" means, for purposes of this regulation, a Colorado resident who owns a dwelling as
33 demonstrated by that person's name appearing on a warranty deed or deed of trust, and who
34 lives in the home as their primary residence.

35 J. "LIRMA eligible certified radon mitigation contractor" means a company that has applied for
 36 eligibility to the LIRMA Program **in accordance with the LIRMA Program policies and procedure**
 37 **manual** and has been approved to participate in the program.

38 **21.2 Program goal**

39 The assistance program is created to address local community needs by funding the installation of radon
 40 mitigation systems and post-installation radon testing in low income homes showing elevated levels of
 41 radon. The program is intended to reduce the incidence of lung cancer caused by radon in qualified
 42 homeowner-occupied homes in Colorado.

43 **21.3 Homeowner eligibility for mitigation system assistance**

44 The following contains the criteria under which homeowners may receive assistance (funding) for the
 45 installation of radon mitigation systems under the Colorado LIRMA Program:

46 A. The home must be a homeowner-occupied home located within the State of Colorado. The
 47 following types of homes are eligible for the LIRMA Program:

- 48 1. Single family dwelling unit;
- 49 2. One-to four unit buildings. The unit occupied by the owner is eligible for mitigation
 50 assistance under the program;
- 51 3. Condominium or cooperative unit; or
- 52 4. Manufactured homes.

53 Rental units and/or properties listed for sale are not eligible for the LIRMA Program.

54 B. The homeowner applicant must be:

- 55 1. A resident of Colorado. Proof of residency must be established at the time of application;
 56 and
- 57 2. Be considered a low-income household and meet the low income limits specified in
 58 **Appendix A, Table 21-1 below.**

59 **Table 21-1. Table of annual income limits based on total Adjusted Gross Income from prior years federal**
 60 **income taxes.**

Statewide Income Limits For Colorado								
Family Household Size								
# of Persons in Household:	1	2	3	4	5	6	7	8
Low Income	\$41,400	\$47,300	\$53,200	\$59,100	\$63,850	\$68,600	\$73,300	\$78,050

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 62
 63 C. Assistance with mitigation system installation will be provided for qualified homes with radon
 64 levels exceeding 4 picocuries per liter (4 pCi/L) as tested using a certified test kit or certified
 65 radon measurement contractor. Initial radon testing will not be paid for or reimbursed under this
 66 program.

67 D. Homes with mitigation systems currently installed are not eligible for mitigation assistance funding
68 or reimbursement under this program.

69 E. Following mitigation system installation:

70 1. The LIRMA eligible certified radon mitigation contractor will provide the homeowner with
71 a certified test kit; and

72 2. The homeowner shall conduct the provided radon test no sooner than 24 hours and
73 within 7 days of the mitigation system installation. The homeowner must submit the radon
74 test results to the LIRMA Program within 30 days of the test.

75 F. Homes under the governance or requirements of a home owners association (HOA) must have
76 approval of the mitigation plan from the HOA.

77 **21.4 Homeowner applications for assistance**

78 A. Applicants (homeowners) seeking funding to pay for radon mitigation and post-mitigation radon
79 testing shall complete the LIRMA Homeowners Application as provided by the LIRMA Program.

80 B. In addition to any other penalty imposed by law, any applicant who knowingly or intentionally
81 provides false information to the department when applying for assistance may be denied funding
82 and shall be ineligible to receive any future funds under these rules.

83 C. Within 30 days of receiving a homeowner application for assistance, the LIRMA Program will
84 review the application and will:

85 1. Approve the application; or

86 2. Deny the application; or

87 3. Request additional information from the applicant.

88 D. Applicants who submit an incomplete application or who submit incomplete information or
89 documents in the application process will be given 30 days to correct or submit the necessary
90 information. Applicants who fail to provide the necessary information within 30 days of the LIRMA
91 Program request will result in the application being abandoned and no mitigation system funding
92 will be provided except where the applicant resubmits a full application with all necessary
93 information and documents. The LIRMA Program will make all reasonable efforts to contact the
94 applicant to request the additional information or documentation.

95 E. Timeline for assistance applications

96 1. Applications for assistance may be submitted throughout the year as funds remain
97 available. Once funding is no longer available, the LIRMA Program will cease to process
98 applications until additional funding becomes available. If funding is not available at the
99 time of application, the applicant may request that the LIRMA Program hold the
100 application (for up to 45 days) while the program awaits additional funding. Unless
101 otherwise indicated, the LIRMA Program will not hold applications for longer than 45 days
102 while waiting for funding.

103 If it has been longer than 45 days since the application was received by the LIRMA
104 Program, the applicant will be required to reapply and resubmit all necessary
105 documentation.

106 F. Request for application forms

107 1. Upon request the LIRMA Program will mail or email blank application forms to any
108 person(s) requesting such forms. A maximum of 10 application forms will be mailed at
109 any time. Application forms are also posted on the department website.

110 **21.5 Criteria for selecting awards to homeowners**

111 A. The LIRMA Program shall receive and review applications and select applicants on a first-come,
112 first-served basis and will be evaluated based upon the following criteria:

113 1. The funds are available during the current state fiscal year/funding cycle to fund the
114 radon mitigation system and post mitigation testing at the time the application is received;

115 2. The radon test results indicate that radon levels in the livable areas of the home exceed
116 the EPA recommended radon action level of 4 picocuries per liter (4 pCi/L) for radon as
117 tested by one of the following accepted testing methods:

118 a. A short term radon test using a certified test kit;

119 b. A long term radon test using a certified test kit; or

120 c. A test or measurement performed by a certified radon measurement contractor;

121 All radon testing must be completed within a 12 month period prior to receipt of the
122 LIRMA Program homeowner application.

123 3. The applicant has provided documentation that they own and occupy the home as their
124 primary residence;

125 4. The applicant meets the low income criteria in accordance with **Appendix A**, Table 21-1.

126 B. The LIRMA Program shall have final authority to approve or deny the funding awards based upon
127 the documentation submitted or otherwise obtained by the department.

128 **21.6 Homeowner assistance limits**

129 A. Assistance amounts shall be limited to a maximum of \$1,500.00 per homeowner applicant unless
130 otherwise approved in advance by the LIRMA Program. All funds will be paid directly to the
131 LIRMA eligible certified radon mitigation contractor.

132 B. A person may not apply for assistance more than one time in a calendar year.

133 **21.7 Awarding of assistance monies and **appeals/feedback on program implementation****

134 A. The LIRMA Program shall award funds and will specify the amount of the assistance based upon
135 the contractor's mitigation plan and the LIRMA Program statement of work requirements for
136 LIRMA eligible certified radon mitigation contractors.

137 B. **For the current application year, a**All award decisions by the LIRMA Program are final and not
138 subject to appeal or further review. However, any applicant may provide feedback on the LIRMA
139 Program implementation and processes at any time in order to facilitate continuous improvement,
140 efficiency, and effectiveness of the program.

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- 142 **21.8 Application process to become a LIRMA eligible certified radon mitigation contractor**
- 143 A. Radon mitigation contractors seeking to become a LIRMA eligible certified radon mitigation
144 contractor shall:
- 145 1. Follow the requirements of the LIRMA Program as prescribed by the department;
- 146 2. Complete the Radon Contractor's LIRMA Application form as prescribed by the
147 department;
- 148 B. In addition to any other penalty imposed by law, any contractor applicant who knowingly or
149 intentionally provides false information to the department when applying to become a LIRMA
150 eligible certified radon mitigation contractor may be restricted from participating in the LIRMA
151 Program or from receiving mitigation funds under the LIRMA Program.
- 152 C. Within 30 days of receiving a contractor application, the LIRMA Program will review the
153 application and will:
- 154 1. Approve the application; or
- 155 2. Deny the application; or
- 156 3. Request additional information from the contractor applicant.
- 157 D. Contractor applicants who submit an incomplete application or who submit incomplete information
158 or documents in the application process will be given 30 days to correct or submit the necessary
159 information. Applicants who fail to provide the necessary information within 30 days of the LIRMA
160 Program request will result in the application being abandoned and the contractor will not be
161 added to the LIRMA eligible contractor list except where the applicant resubmits a full application
162 with all necessary information and documents. The LIRMA Program will make all reasonable
163 efforts to contact the contractor applicant to request the needed additional information or
164 documentation.
- 165 E. Timeline for contractor applications
- 166 1. Contractor applications may be submitted throughout the year. Approved applicants will
167 be added to the eligibility list within 30 days of the approval.
- 168 F. Delisting of contractors from approved list
- 169 1. At the discretion of the LIRMA Program, a mitigation contractor may be delisted
170 (removed) from the LIRMA eligible certified radon mitigation contractor list.
- 171 G. Mitigation contractor responsibilities
- 172 1. In addition to requirements specified by the LIRMA Program, contractors shall adhere to
173 the following requirements:
- 174 a. Installation of mitigation systems shall be completed in accordance with the
175 signed statement of work, completed in a timely manner within 60 days of the
176 approval of the mitigation plan;
- 177 b. Following mitigation system installation, a post-mitigation test showing levels
178 have been reduced below 4 pCi/L will be required for reimbursement to the
179 mitigation contractor.

180 c. Any mitigation contractor who knowingly or intentionally provides false
181 information to the department as part of a mitigation system installation may be
182 restricted from participating in the LIRMA Program or from receiving mitigation
183 funds under the LIRMA Program.

184 H. Request for application forms

185 1. Upon request the LIRMA Program will mail or email contractor application forms to any
186 person(s) requesting such forms. A maximum of 10 application forms will be mailed per
187 request. Application forms are also posted on the department website.

188 **21.9 Reporting requirements**

189 The LIRMA Program will make information about the LIRMA Program impact available on an annual
190 basis.

191 **21.10 Conflict of interest**

192 A. Any CDPHE Staff involved in reviewing or approving applications must disclose any potential or
193 actual conflict of interest, as defined in section 21.1, to the Radiation Program Manager. If the
194 Radiation Program Manager determines that the person has a potential conflict of interest, the
195 Radiation Program Manager shall assign an alternate person to review, or assist in the review, of
196 any application for which a conflict of interest may exist.
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APPENDIX A – INCOME TABLE USED TO DETERMINE LIRMA ELIGIBILITY

Table 21-1. Table of annual income limits listed by Colorado county. Table limits are compared to the applicants total Adjusted Gross Income (AGI) from the applicants most recent years federal income tax form to determine income eligibility for the LIRMA Program.

CDPHE LIRMA PROGRAM LOW INCOME LIMITS								
# PERSONS IN HOUSEHOLD	1 PERSON	2 PEOPLE	3 PEOPLE	4 PEOPLE	5 PEOPLE	6 PEOPLE	7 PEOPLE	8 PEOPLE
COUNTY								
Adams County	44,900	51,300	57,700	64,100	69,250	74,400	79,500	84,650
Alamosa County	33,600	38,400	43,200	48,000	51,850	55,700	59,550	63,400
Arapahoe County	44,900	51,300	57,700	64,100	69,250	74,400	79,500	84,650
Archuleta County	35,750	40,850	45,950	51,050	55,150	59,250	63,350	67,400
Baca County	33,600	38,400	43,200	48,000	51,850	55,700	59,550	63,400
Bent County	33,600	38,400	43,200	48,000	51,850	55,700	59,550	63,400
Boulder County	46,000	52,600	59,150	65,700	71,000	76,250	81,500	86,750
Broomfield County	44,900	51,300	57,700	64,100	69,250	74,400	79,500	84,650
Chaffee County	34,300	39,200	44,100	48,950	52,900	56,800	60,700	64,650
Cheyenne County	36,750	42,000	47,250	52,500	56,700	60,900	65,100	69,300
Clear Creek County	44,900	51,300	57,700	64,100	69,250	74,400	79,500	84,650
Conejos County	33,600	38,400	43,200	48,000	51,850	55,700	59,550	63,400
Costilla County	33,600	38,400	43,200	48,000	51,850	55,700	59,550	63,400
Crowley County	33,600	38,400	43,200	48,000	51,850	55,700	59,550	63,400
Custer County	33,600	38,400	43,200	48,000	51,850	55,700	59,550	63,400
Delta County	33,600	38,400	43,200	48,000	51,850	55,700	59,550	63,400
Denver County	44,900	51,300	57,700	64,100	69,250	74,400	79,500	84,650
Dolores County	33,600	38,400	43,200	48,000	51,850	55,700	59,550	63,400
Douglas County	44,900	51,300	57,700	64,100	69,250	74,400	79,500	84,650
Eagle County	46,000	52,600	59,150	65,700	71,000	76,250	81,500	86,750

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El Paso County	39,800	45,450	51,150	56,800	61,350	65,900	70,450	75,000
Elbert County	44,900	51,300	57,700	64,100	69,250	74,400	79,500	84,650
Fremont County	33,600	38,400	43,200	48,000	51,850	55,700	59,550	63,400
Garfield County	39,050	44,600	50,200	55,750	60,250	64,700	69,150	73,600
Gilpin County	44,900	51,300	57,700	64,100	69,250	74,400	79,500	84,650
Grand County	42,800	48,900	55,000	61,100	66,000	70,900	75,800	80,700
Gunnison County	38,550	44,050	49,550	55,050	59,500	63,900	68,300	72,700
Hinsdale County	43,700	49,950	56,200	62,400	67,400	72,400	77,400	82,400
Huerfano County	33,600	38,400	43,200	48,000	51,850	55,700	59,550	63,400
Jackson County	34,900	39,900	44,900	49,850	53,850	57,850	61,850	65,850
Jefferson County	44,900	51,300	57,700	64,100	69,250	74,400	79,500	84,650
Kiowa County	33,600	38,400	43,200	48,000	51,850	55,700	59,550	63,400
Kit Carson County	33,600	38,400	43,200	48,000	51,850	55,700	59,550	63,400
La Plata County	39,600	45,250	50,900	56,550	61,100	65,600	70,150	74,650
Lake County	33,600	38,400	43,200	48,000	51,850	55,700	59,550	63,400
Larimer County	43,800	50,050	56,300	62,550	67,600	72,600	77,600	82,600
Las Animas County	33,600	38,400	43,200	48,000	51,850	55,700	59,550	63,400
Lincoln County	33,600	38,400	43,200	48,000	51,850	55,700	59,550	63,400
Logan County	33,600	38,400	43,200	48,000	51,850	55,700	59,550	63,400
Mesa County	33,600	38,400	43,200	48,000	51,850	55,700	59,550	63,400
Mineral County	39,350	44,950	50,550	56,150	60,650	65,150	69,650	74,150
Moffat County	39,550	45,200	50,850	56,500	61,050	65,550	70,100	74,600
Montezuma County	33,600	38,400	43,200	48,000	51,850	55,700	59,550	63,400
Montrose County	33,600	38,400	43,200	48,000	51,850	55,700	59,550	63,400
Morgan County	33,600	38,400	43,200	48,000	51,850	55,700	59,550	63,400
Otero County	33,600	38,400	43,200	48,000	51,850	55,700	59,550	63,400

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Ouray County	41,550	47,450	53,400	59,300	64,050	68,800	73,550	78,300
Park County	44,900	51,300	57,700	64,100	69,250	74,400	79,500	84,650
Phillips County	33,600	38,400	43,200	48,000	51,850	55,700	59,550	63,400
Pitkin County	49,750	56,850	63,950	71,050	76,750	82,450	88,150	93,800
Prowers County	33,600	38,400	43,200	48,000	51,850	55,700	59,550	63,400
Pueblo County	33,600	38,400	43,200	48,000	51,850	55,700	59,550	63,400
Rio Blanco County	42,650	48,750	54,850	60,900	65,800	70,650	75,550	80,400
Rio Grande County	33,600	38,400	43,200	48,000	51,850	55,700	59,550	63,400
Routt County	42,850	49,000	55,100	61,200	66,100	71,000	75,900	80,800
Saguache County	33,600	38,400	43,200	48,000	51,850	55,700	59,550	63,400
San Juan County	35,200	40,200	45,250	50,250	54,300	58,300	62,350	66,350
San Miguel County	45,050	51,450	57,900	64,300	69,450	74,600	79,750	84,900
Sedgwick County	33,600	38,400	43,200	48,000	51,850	55,700	59,550	63,400
Summit County	46,000	52,600	59,150	65,700	71,000	76,250	81,500	86,750
Teller County	42,200	48,200	54,250	60,250	65,100	69,900	74,750	79,550
Washington County	33,600	38,400	43,200	48,000	51,850	55,700	59,550	63,400
Weld County	38,450	43,950	49,450	54,900	59,300	63,700	68,100	72,500
Yuma County	33,600	38,400	43,200	48,000	51,850	55,700	59,550	63,400

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