

**RULES  
 OF  
 GEORGIA DEPARTMENT OF NATURAL RESOURCES  
 ENVIRONMENTAL PROTECTION DIVISION  
 CHAPTER 391-3-24  
 LEAD-BASED PAINT ABATEMENT, CERTIFICATION, AND ACCREDITATION HAZARD  
 MANAGEMENT**

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### **391-3-24-.01 Scope and Applicability.**

(1) These Rules contain procedures and requirements for the accreditation of renovation and lead-based paint activities training programs, procedures and requirements for the certification of persons and firms engaged in renovation and lead-based paint activities, and standards for performing such activities. These Rules also contain requirements that all renovation and lead-based leadbased paint activities performed for compensation in target housing and child-occupied facilities shall be performed by certified persons and lead or renovation firms. No person or firm shall offer to perform renovation or lead-based paint activities without obtaining the certification and training required in these Rules. These Rules do not require the mandatory abatement of lead-based paint.

(2) These Rules are applicable to all persons and firms who are engaged in renovation and lead-based paint activities as defined in Rule 391-3-24- .03, except persons who perform these activities within residential dwellings that they own, unless the residential dwelling is occupied by a person or persons other than the owner or owner's immediate family while these activities are being performed, or a child residing in the residential dwelling has been identified as having an elevated blood lead level. Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the State of Georgia having jurisdiction over any property or facility, or engaged in any activity resulting, or which may result, in a lead-based paint hazard, and each officer, agent, or employee thereof, shall be subject to, and comply with all requirements, both substantive and procedural, regarding lead-based paint, lead-based paint activities, and lead-based paint hazards.

(3) The information distribution requirements in Rule 391-3-24-.08 are to ensure that owners and occupants of target housing and child-occupied facilities receive information on lead-based paint hazards before renovations begin.

(4) The training and certification requirements, the standards for performing renovation activities and associated pre-notification education and record keeping requirements under Rule 391-3-24-.04 and Rules 391-3-24-.08 through 391-3-24-.11 apply to all renovations performed for compensation in target housing and child-occupied facilities, except for the following:

(a) Renovations in target housing or child-occupied facilities in which a written determination has been made by a certified inspector or certified risk assessor that the components affected by the renovation are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter (mg/cm<sup>2</sup>) or 0.5 percent (0.5%) by weight, where the certified renovation firm performing the renovation has obtained a copy of the determination.

(b) Renovations in target housing or child-occupied facilities in which a certified renovator, using an EPA recognized test kit and following the kit manufacturer's instructions, has tested each component affected by the renovation and determined that the components are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter (mg/cm<sup>2</sup>) or 0.5 percent (0.5%) by weight. If the components make up an integrated whole, such as the individual stair treads and risers of a single staircase, the renovator is required to test only one of the individual components, unless the individual components appear to have been repainted or refinished separately.

(5) The information distribution requirements in Rule 391-3-24-.08 do not apply to emergency renovation activities. Emergency renovations other than interim controls are exempt from the warning sign, containment, waste handling, training, and certification requirements in Rule 391-3-24-.10 to the extent necessary to respond to the emergency. Interim controls performed in

response to an elevated blood lead level in a resident child are also emergency renovations. Emergency renovations are not exempt from the cleaning requirements of Rule 391-3-24-.10, which must be performed by certified renovators or trained individuals, the cleaning verification requirements of Rule 391-3-24-.10, which must be performed by certified renovators, and the recordkeeping requirements of Rule 391-3-24-.11.

Authority O.C.G.A. Sec. 31-41-1 et seq. **History.** Original Rule entitled "Scope and Applicability" adopted. F. June 28, 1996; eff. July 18, 1996. **Repealed:** New Rule of same title adopted. F. June 26, 1998; eff. July 16, 1998. **Amended:** June 27, 2002; eff. July 17, 2002.

### **391-3-24-.02 Enforcement.**

(1) The administration and enforcement of these Rules shall be in accordance with the Georgia Lead Poisoning Prevention Act of 1994, O.C.G.A. 31-41-1 *et seq.*, as amended, the Executive Reorganization Act of 1972, O.C.G.A. 12-2-1, *et seq.*, and the Georgia Administrative Procedures Act, O.C.G.A. 50-13-1, *et seq.*

(2) Persons and firms conducting renovation or lead-based paint activities shall permit the Division to enter, evaluate, sample and monitor any renovation and lead-based paint activity and have access to records specified in this section without charge or hindrance to the Division for the purposes of evaluating compliance with these Rules. The Division shall perform periodic and unannounced inspections of renovation and lead-based paint activities, lead firms, renovation firms, training providers and lead training courses.

Authority O.C.G.A. Sec. 31-41-1 et seq. **History.** Original Rule entitled "Enforcement" adopted. F. June 28, 1996; eff. July 18, 1996. **Repealed:** New Rule of same title adopted. F. June 26, 1998; eff. July 16, 1998. **Amended:** F. June 27, 2002; eff. July 17, 2002.

### **391-3-24-.03 Definitions.**

(1) "Abatement" means any measures or set of measures designed to permanently eliminate lead-based paint or lead-based paint hazards. Abatement includes, but is not limited to:

(a) The removal of lead-based paint and lead contaminated dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, and the removal or permanent covering of soil, when lead-based paint hazards are present in such paint, dust or soil; and

(b) All preparation, clean-up, disposal, and post-abatement clearance testing activities associated with such measures; and

(c) Specifically, abatement in target housing and child-occupied facilities includes, but is not limited to:

1. Projects for which there are written contracts or other documentation, which provides that an individual or firm certified in accordance with Rule 391-3-24-.05 will be conducting activities in or to a residential dwelling or child-occupied facility that:

(i) Shall result in the permanent elimination of lead-based paint, or lead-based paint hazards; or

(ii) Are designed to permanently eliminate lead-based paint or lead-based paint hazards and are described in paragraphs (a) and (b) of this definition.

2. Projects involving and/or resulting in the permanent elimination of a lead-based paint hazard, or intact lead-based paint equal to or greater than 1.0 milligram(s) per square centimeter (mg/cm<sup>2</sup>) ~~µg/ft<sup>2</sup>~~, or equal to or greater than 0.5 percent (0.5%) by weight, conducted by firms or persons certified in accordance with 391-3-24-.05, unless such projects are covered by subsection (d) of this definition;

3. Projects involving and/or resulting in the permanent elimination of a lead-based paint hazard, or intact lead-based paint equal to or greater than 1.0 milligram(s) per square centimeter (mg/cm<sup>2</sup>) ~~µg/ft<sup>2</sup>~~, or equal to or greater than 0.5 percent (0.5%) by weight, conducted by firms or persons who, through their company name or promotional literature, or otherwise represent, advertise, or hold themselves to be in the business of performing lead-based paint activities as defined by these Rules, unless such projects are covered by subsection (d) of this definition; or

4. Projects involving and/or resulting in the permanent elimination of lead-based paint hazards or lead-based paint, that are conducted in response to State or local abatement orders.

(d) Abatement does not include renovation, remodeling, landscaping or other activities, when such activities are not designed to permanently eliminate lead-based paint hazards, but instead are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards. Furthermore, abatement does not include interim controls, operations and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards.

(2) "Accessible surface" means an interior or exterior surface painted with lead-based paint that is accessible for a child, six (6) years of age or younger, to mouth or chew.

(3) "Accredited training program" means a training program that has been accredited by the Division pursuant to section 391-3-24-.04 to provide training for persons engaged in renovation or lead-based paint activities.

(4) "Adequate quality control" means a plan or design to ensure the authenticity, integrity, and accuracy of samples, including dust, soil, and paint chip or paint film samples. Adequate quality control also includes provisions for representative sampling.

(5) "Agent-in-Charge" means the most responsible person at the location or activity being inspected with the direct responsibility for the property or the activity taking place, e.g., lead supervisor.

(6) "Arithmetic Mean" means the number obtained by dividing the sum of a set of quantities or concentrations (such as wipe sample concentrations) by the number of quantities or concentrations in the set.

(7) "Certificate of mailing" means proof of mailing and proof of delivery.

(8) "Certified Dust Sampling Technician" means an individual who has been trained by an accredited training program, passed the course test, and certified by the Division to conduct dust sampling following renovation activities to meet clearance standards in Rule 391-3-24-.07.

~~(7)-(9)~~ “Certified Lead Firm” means a company, partnership, corporation, sole proprietorship, association, or other business entity that performs lead-based paint activities, to which the Division has issued a certificate of approval pursuant to section 391-3-24-.05.

~~(8)-(10)~~ “Certified Lead Inspector” means an individual who has been trained by an accredited training program and certified by the Division to conduct inspections. A lead inspector also samples for the presence of lead in paint, dust, and soil for the purposes of abatement clearance testing.

~~(9)-(11)~~ “Certified Lead Project Designer” means an individual who has been trained by an accredited training program, passed the course test, and certified by the Division to prepare abatement project designs, occupancy protection plans, and abatement reports.

~~(10)-(12)~~ “Certified Lead Risk Assessor” means an individual who has been trained by an accredited training program and certified by the Division to conduct risk assessments. A lead risk assessor also samples for the presence of lead in paint, dust, and soil for the purposes of abatement clearance testing.

~~(11)-(13)~~ “Certified Lead Supervisor” means an individual who has been trained by an accredited training program and certified by the Division to supervise and conduct abatements in target housing and child-occupied facilities and to prepare occupant protection plans and abatement reports.

~~(12)-(14)~~ “Certified Lead Worker” means an individual who has been trained by an accredited training program, passed the course test, and certified by the Division to perform abatement activities.

(15) “Certified Renovation Firm” means a company, partnership, corporation, sole proprietorship, individual doing business, association, or other business entity; a Federal, State, Tribal, or local government agency; or a nonprofit organization that performs renovation activities to which the Division has issued a certificate of approval pursuant to Section 391-3-24-.09.

(16) “Certified Renovator” means an individual who either performs or directs workers who perform renovations. A certified renovator is a renovator who has successfully completed a renovator course by an accredited training program, passed the course test, and been certified by the Division to perform renovation activities.

~~(13)-(17)~~ “Chewable surface” means an interior or exterior surface painted with lead-based paint that a child six (6) years of age or younger can mouth or chew. A chewable surface is the same as an “accessible surface” as defined in 42 U.S.C. 4851b(2). Hard metal substrates and other materials that cannot be dented by the bite of a young child are not considered chewable.

~~(14)-(18)~~ “Child-occupied facility” means a building, or portion of a building constructed prior to 1978, visited by the same child, six years of age or under, on at least two different days within the same week (Sunday through Saturday period), provided each day’s visit lasts at least three hours and the combined weekly visit lasts at least six hours. Child-occupied facilities include, but are not limited to, day-care centers, pre-schools and kindergarten classrooms.

(19) “Cleaning verification card” means a card developed and distributed, or otherwise approved, by EPA for the purpose of determining, through comparison of wet and dry disposable cleaning cloths with the card, whether post-renovation cleaning has been properly completed.

~~(15)~~(20) "Clearance levels" means a value that indicates the maximum amount of lead permitted in dust on a surface in ~~µg/ft<sup>2</sup>~~, micrograms per square foot (µg/ft<sup>2</sup>), or the values applicable to lead hazards abatement within the scope of the project, following completion of an abatement activity.

~~(16)~~(21) "Commissioner" means the Commissioner of the Board of Natural Resources, Department of Natural Resources.

~~(17)~~(22) "Common area" means a portion of a building that is generally accessible to all occupants. Such an area may include, but is not limited to, hallways, stairways, laundry and recreational rooms, playgrounds, community centers, garages and boundary fences.

~~(18)~~(23) "Completion date" means the date on which all activities on a permitted lead-based paint abatement project requiring the use of certified persons are complete, including, but not limited to, the complete disassembly of all removal area barriers, final clearance testing and disposal of all lead-based paint waste.

~~(19)~~(24) "Component or building component" means specific design or structural elements or fixtures of a building, residential dwelling, or child-occupied facility that are distinguished from each other by form, function, and location. These include, but are not limited to, interior components such as: ceilings, crown molding, walls, chair rails, doors, door trim, floors, fireplaces, radiators and other heating units, shelves, shelf supports, stair treads, stair risers, stair stringers, newel posts, railing caps, balustrades, windows and trim, including sashes, window heads, jambs, sills, stools and troughs, built-in cabinets, columns, beams, bathroom vanities, counter tops, and air conditioners; and exterior components such as: painted roofing, chimneys, flashing, gutters and downspouts, ceilings, soffits, fascias, rake boards, corner boards, bulkheads, doors and door trim, fences, floors, joists, lattice work, railings and railing caps, siding, handrails, stair risers and treads, stair stringers, columns, balustrades, window sills, casings, sashes, wells and troughs, and air conditioners.

~~(20)~~(25) "Concentration" means the relative content of a specific substance contained within a larger mass, such as the amount of lead (micrograms per gram or parts per million by weight) in a sample of dust or soil.

~~(21)~~(26) "Containment" means a process to protect the public, occupants, lead-workers and the environment by controlling exposures to the lead-contaminated dust and debris created during an abatement.

~~(22)~~(27) "Course agenda" means an outline of the key topics to be covered during a training course, including the time allotted to teach each topic.

~~(23)~~(28) "Course test" means an evaluation of the overall effectiveness of the training, which shall test the trainees' knowledge and retention of the topic covered during the course.

~~(24)~~(29) "Course test blueprint" means written documentation identifying the proportion of course test questions devoted to each major topic in the course curriculum.

~~(25)~~(30) "Deteriorated paint" means any interior or exterior paint or other coating that is peeling, chipping, chalking or cracking or any paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separating from the substrate.

~~(26)~~(31) "Director" means the Director of the Environmental Protection Division of the Department of Natural Resources or his designees.

~~(27)~~~~(32)~~ “Discipline” means one of the specific types or categories of lead-based paint activities identified in these Rules for which persons may receive training from accredited training programs and become certified by the Division. For example, “~~Lead~~Lead worker” is a discipline.

~~(28)~~~~(33)~~ “Distinct painting history” means the application history, as indicated by its visual appearance or a record of application, over time, of paint or other surface coatings to a component or room.

~~(34)~~ “Disturb” means to break up, burn, crush, cut into, dissolve, sand, scrape, abrade, remove, demolish, or otherwise manipulate a painted surface in a manner that generates dust, paint chips, or debris.

~~(29)~~~~(35)~~ “Division” means the Environmental Protection ~~Division~~ Division of the Department of Natural Resources and shall where applicable include any contractors selected by the Division to carry out any provisions of these Rules.

~~(30)~~~~(36)~~ “Documented methodologies” are current methods or protocols, e.g., ASTM E1728-03 ~~ASTM E1728-99~~, used to sample for the presence of lead in paint, dust, and soil found in the following:

- 1) The U.S. Department of Housing and Urban Development (HUD);
- 2) The Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing;
- 3) The Environmental Protection Agency (EPA) Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust, and Lead-Contaminated Soil and Residential Sampling for Lead: Protocols for Dust and Soil Sampling (EPA Report Number 7474-R-95- 001); and
- 4) Regulations, guidance methods or protocols issued by States and Indian Tribes that have been authorized by the EPA; and other equivalent methods and guidelines.

~~(31)~~~~(37)~~ “Dripline” means the area within 3 feet surrounding the perimeter of a building.

~~(38)~~ “Dry disposable cleaning cloth” means a commercially available dry, electrostatically charged, white disposable cloth designed to be used for cleaning hard surfaces such as uncarpeted floors or counter tops.

~~(32)~~~~(39)~~ “Dust-lead hazard” means surface dust in a residential dwelling or child-occupied facility that contains a mass-per-area concentration of lead equal to or exceeding 40 micrograms per square foot ( $\mu\text{g}/\text{ft}^2$ ),  $\mu\text{g}/\text{ft}^2$ , on floors or equal to or exceeding 250 micrograms per square foot ( $\mu\text{g}/\text{ft}^2$ ),  $\mu\text{g}/\text{ft}^2$ , on interior window sills based on wipe samples.

~~(33)~~~~(40)~~ “Elevated blood lead level (EBL)” means an excessive absorption of lead that is a confirmed concentration of lead in whole blood of 20  $\mu\text{g}/\text{dl}$  (micrograms of lead per deciliter of whole blood) for a single venous test or of 15-19  $\mu\text{g}/\text{dl}$  in two consecutive venous tests taken 3 to 4 months apart.

~~(34)~~~~(41)~~ “Emergency lead-based paint abatement project” means a lead-based paint abatement project that has been determined by a lead risk assessor and the Division to be an imminent lead-based paint hazard to building occupants in a child-occupied facility.

~~(42)~~ “Emergency renovation project” means a renovation activity that was not planned but resulted from a sudden, unexpected event (such as non-routine failures of equipment) that, if not immediately attended to presents a safety or public health hazard, or threatens equipment and/or property with significant damage.

~~(35)~~-~~(43)~~ “Encapsulant” means a substance that forms a barrier between lead-based paint and the environment using a liquid-applied coating (with or without reinforcement materials) or an adhesively bonded covering material.

~~(36)~~-~~(44)~~ “Encapsulation” means the application of an encapsulant.

~~(37)~~-~~(45)~~ “Enclosure” means the use of rigid, durable construction materials that are mechanically fastened to the substrate in order to act as a barrier between lead-based paint and the environment.

(46) “Floor” means the interior or exterior installed surface on which one stands, walks, crawls or plays. For exterior entrances, the term does not include sidewalks or uncovered porches (e.g. a porch with no roof).

~~(38)~~-~~(47)~~ “Friction Surface” means an interior or exterior surface that is subject to abrasion or friction, including, but not limited to, certain windows, floors and stair surfaces.

~~(39)~~-~~(48)~~ “Guest Instructor” means a person designated by the training manager or principal instructor to provide instruction specific to the lecture, hands-on activities or work practice components of a course.

~~(40)~~-~~(49)~~ “Hands-on skills assessment” means an evaluation, which tests the trainees’ ability to satisfactorily perform the work practices and procedures identified in 391-3-24-.04 of these Rules.

~~(41)~~-~~(50)~~ “Hazardous waste” means any solid waste which has been defined as hazardous waste in regulations promulgated by Board of Natural Resources, Chapter 391-3-11.

~~(42)~~-~~(51)~~ “Health investigation” means the investigation of target housing or a child-occupied facility housing a child, six years of age or under, with an elevated blood lead level. The purpose of a health investigation is to identify a cause or causes for the lead poisoning of a child.

(52) “HEPA vacuum” means a vacuum cleaner, which has been designed with a high-efficiency particulate air (HEPA) filter as the last filtration stage. A HEPA filter is a filter that is capable of capturing particles of 0.3 microns with 99.97 percent (99.97%) efficiency. The vacuum cleaner must be designed, so that all the air drawn into the machine is expelled through the HEPA filter with none of the air leaking past it.

~~(43)~~-~~(53)~~ “Impact surface” means an interior or exterior surface that is subject to damage by repeated sudden force, such as certain parts of door frames.

~~(44)~~-~~(54)~~ “Inspection” means a surface-by-surface investigation conducted by a lead inspector to determine the presence of lead-based paint and the provision of a report explaining the results of the investigation.

~~(45)~~-~~(55)~~ “Interim controls” means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards including, but not limited to specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, standard treatments, and the establishment and operation of management and resident education programs.

~~(46)~~-~~(56)~~ “Interior window sill” means the portion of the horizontal window ledge that protrudes into the interior of the room.

~~(47)~~(57) “Lead-based paint (LBP)” means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram(s) per square centimeter (mg/cm<sup>2</sup>), ~~mg/cm<sup>2</sup>~~, or 0.5 percent (0.5%) by weight or 5000 parts per million (ppm).

~~(48)~~(58) “Lead-based paint abatement project” means the abatement of lead-based paint or lead-based paint hazards from one or more residential dwelling units and/or child-occupied facilities located within the same local government jurisdiction and submitted under a common project notification.

~~(49)~~(59) “Lead-based paint activities” means, in the case of target housing and child-occupied facilities, inspection, risk assessment, and abatement, as defined in this Rule. Lead-based paint activities do not include renovation, as defined in this Rule.

~~(50)~~(60) “Lead-based paint hazard” means any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as identified pursuant to Toxic Substance Control Act (TSCA) section 403.

~~(51)~~(61) “Lead-contaminated dust” means surface dust in residential dwellings or in other child-occupied facilities that contain an area or mass concentration of lead at or in excess of levels identified pursuant to ~~TSCA section 403 and~~ Rule 391-3-24-.07.

~~(52)~~(62) “Lead-contaminated soil” means bare soil on residential real property or on the property of a child-occupied facility that contains lead at or in excess of levels identified pursuant to ~~TSCA section 403~~ Rule 391-3-24-.03(85).

~~(53)~~(63) “Lead-hazard screen” is a limited risk assessment activity that involves limited paint and dust sampling as described in 391-3- 24-.06(3) of these Rules.

~~(54)~~(64) “Living Area” means any area of a residential dwelling used by one or more children age six (6) and under, including, but not limited to, living rooms, kitchen areas, dens, play rooms, and children’s bedrooms.

~~(55)~~(65) “Loading” means the quantity of a specific substance present per unit of surface area, such as the amount of lead in micrograms contained in the dust collected from a certain surface area divided by the surface area in square feet or square meters.

~~(56)~~(66) “Mid-yard” means an area of a residential yard approximately midway between the dripline of a residential building and the nearest property boundary or between the driplines of a residential building and another building on the same property.

(67) “Minor repair and maintenance activities” are activities, including minor heating, ventilation or air conditioning work, electrical work, and plumbing, that disrupt 6 square feet or less of painted surface per room for interior activities or 20 square feet or less of painted surface for exterior activities where none of the work practices prohibited or restricted in Rule 391-3-24-.10(3)(c) are used and where the work does not involve window replacement or demolition of painted surface areas. When removing painted components, or portions of painted components, the entire surface area removed is the amount of painted surface disturbed. Jobs, other than emergency renovations, performed in the same room within the same 30 days must be considered the same job for the purpose of determining whether the job is a minor repair and maintenance activity.

~~(57)-(68)~~ “Multi-family dwelling” means a structure that has more than one separate dwelling unit, which is used or occupied, or intended to be used or occupied in whole or in part, as the home or residence of one or more persons.

~~(58)-(69)~~ “Occupant Protection Plan” means a written plan which describes the measure and management procedures that will be taken during abatement to protect building occupants from exposure to lead-based paint hazards. The plan shall be unique to each residential dwelling unit or child-occupied facility. For projects less than five units, the plan shall be prepared by a certified lead supervisor or certified lead project designer. For projects with five or more units, the plan shall be prepared by a lead project designer. The plan shall include the preparer’s signature and certification number.

~~(59)-(70)~~ “Paint in poor condition” means more than ten (10) square feet of deteriorated paint on exterior components with large surface areas; or more than two (2) square feet of deteriorated paint on interior components with large surface areas (e.g., walls, ceilings, floors, doors); or more than 10 percent (10%) of the total surface area of the component is deteriorated on interior or exterior components with small surface areas (window sills, baseboards, soffits, trim).

~~(60)-(71)~~ “Paint-lead hazard” means any of the following:

- (a) any lead-based paint on a friction surface that is subject to abrasion and where the lead dust levels on the nearest horizontal surface underneath the friction surface (e.g., the window sill, or floor) are equal to or greater than the dust-lead hazard levels identified in the definition of dust-lead hazard.
- (b) Any damaged or otherwise deteriorated lead-based paint on an impact surface that is caused by impact from a related building component (such as a door knob that knocks into a wall or a door that knocks against its door frame).
- (c) Any chewable lead-based painted surface on which there is evidence of teeth marks.
- (d) Any other deteriorated lead-based paint in any residential building or child-occupied facility or on the exterior of any residential building or child-occupied facility.

(72) “Pamphlet” means the EPA pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools* developed under section 406(a) of TSCA for use in complying with section 406(b) of TSCA or any Division pamphlet approved by EPA pursuant to 40 CFR 745.326 that is developed for the same purpose. This includes reproductions of the pamphlet when copied in full and without revision or deletion of material from the pamphlet except for the addition or revision of the Division’s sources of information.

~~(64)-(73)~~ “Permanently covered soil” means soil which has been separated from human contact by the placement of a barrier consisting of solid, relatively impermeable materials, such as pavement or concrete. Grass, mulch and other landscaping materials are not considered permanent covering.

~~(62)-(74)~~ “Person” means the State of Georgia or any agency or instrumentality thereof, or any political subdivision, municipality, county, public or private corporation, authority, partnership, individual or association; any interstate body; or department, agency, or instrumentality of the Federal Government.

~~(63)-(75)~~ “Play Area” means an area of frequent soil contact by children six (6) years of age or less as indicated by, but not limited to, such factors including the following: the presence of play equipment (e.g., sandboxes, swing sets, and sliding boards), toys, or other children’s possessions,

observations of play patterns, or information provided by parents, residents, care givers, or property owners.

~~(64)~~ (76) "Principal instructor" means the person who has the primary responsibility for organizing and teaching a particular course.

~~(65)~~ (77) "Recognized laboratory" means an environmental laboratory recognized by EPA pursuant to TSCA 405(b) as being capable of performing an analysis for lead compounds in paint, soil and dust.

(78) "Recognized test kit" means a commercially available kit recognized by EPA under 40 Code of Federal Regulations 745.88 as being capable of allowing a user to determine the presence of lead at levels equal to or in excess of 1.0 milligrams per square centimeter (mg/cm<sup>2</sup>), or more than 0.5 percent (0.5%) lead by weight, in a paint chip, paint powder, or painted surface.

~~(66)~~ (79) "Reduction" means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls and abatement.

(80) "Renovation" means the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement as defined by this Rule. The term renovation includes (but is not limited to): the removal, modification or repair of painted surfaces or painted components (e.g., modification of painted doors, surface restoration, window repair, surface preparation activity (such as sanding, scraping, or other such activities that may generate paint dust)); the removal of building components (e.g., walls, ceilings, plumbing, windows); weatherization projects (e.g., cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, planing thresholds to install weather-stripping), and interim controls that disturb painted surfaces. A renovation performed for the purpose of converting a building, or part of a building, into target housing or a child-occupied facility is a renovation. The term renovation does not include minor repair and maintenance activities.

(81) "Renovation activities" mean any activities performed during a renovation including dust sampling following renovation.

~~(67)~~ (82) "Residential building" means a building containing one or more residential dwellings.

~~(68)~~ (83) "Residential dwelling" means (1) a detached single family dwelling unit, including attached structures such as porches and stoops; or (2) a single family dwelling unit in a structure that contains more than one separate residential dwelling unit, which is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

~~(69)~~ (84) "Risk assessment" means (1) an on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards, and (2) the provision of a report by the person or the lead firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based hazards.

~~(70)~~ (85) "Room" means a separate part of the inside of a building, such as a bedroom, living room, dining room, kitchen, bathroom, laundry room, or utility room. To be considered a separate room, the room must be separated from adjoining rooms by built-in walls or archways that extend at least six (6) inches from an intersecting wall. Half walls or bookcases count as room separators if built-in. Moveable or collapsible partitions or partitions consisting solely of shelves or cabinets are not considered built-in walls. A screened in porch that is used as a living area is a room.

~~(71)~~~~(86)~~ "Soil-lead hazard" means bare soil on residential real property or on the property of a child-occupied facility that contains total lead equal to or exceeding 400 parts per million in a play area or average of 1,200 parts per million of bare soil in the rest of the yard based on soil samples.

~~(72)~~~~(87)~~ "Soil sample" means a sample collected in a representative location using ASTM E1727, "Standard Practice for Field Collection of Soil Samples for Lead Determination by Atomic Spectrometry Techniques," or equivalent method.

~~(73)~~~~(88)~~ "Start date" means the date on which activities begin on a ~~permitted~~ notified lead-based paint abatement project requiring the use of certified persons, including the abatement area isolation and preparation or any other activity which may disturb lead-based paint. Start date also means the date on which activities begin on a permitted renovation project.

~~(74)~~~~(89)~~ "Target housing" means any housing ~~contracted~~ constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child/children age six (6) years or under reside or is expected to reside in such housing for the elderly or persons with disabilities) or any zero (0)-bedroom dwelling.

~~(75)~~~~(90)~~ "Third party certification exam" means a third party examination in a particular discipline which is recognized by the Division and administered by a third party certification exam administrator.

~~(76)~~~~(91)~~ "Third party certification exam administrator" means an administrator which is ~~contracted~~ or accepted by the Division to conduct third party certification exams.

~~(77)~~~~(92)~~ "Training course curriculum" means an established set of course topics for instruction in an accredited training program for a particular discipline designed to provide specialized knowledge and skills.

~~(78)~~~~(93)~~ "Training hour" means at least 50 minutes of actual teaching, including, but not limited to, time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, and/or hands-on experience.

~~(79)~~~~(94)~~ "Training manager" means the person responsible for administering an accredited training program and monitoring the performance of principal instructors and guest instructors.

~~(80)~~~~(95)~~ "TSCA" means the Toxic Substances Control Act, 15 U.S.C. 2601.

~~(81)~~~~(96)~~ "Visual inspection for clearance testing" means the visual examination of a residential dwelling or a child-occupied facility following an abatement to determine whether or not the abatement has been successfully completed.

~~(82)~~~~(97)~~ "Visual inspection for risk assessment" means the visual examination of a residential dwelling or a child-occupied facility to determine the existence of deteriorated lead-based paint or other potential sources of lead-based paint hazards.

~~(83)~~~~(98)~~ "Weighted Arithmetic Mean" means an arithmetic mean determined by assigning a multiplier to each quantity or concentration (such as a wipe sample concentration) to be averaged to indicate the relative importance of each quantity's contribution to the average. For example, multiplying each wipe sample concentration by the size of the area wiped, adding the resulting mathematical products, adding the size of the areas wiped, and dividing the sum of the mathematical products by the sum of the areas wiped.

(99) “Wet disposable cleaning cloth” means a commercially available, pre-moistened white disposable cloth designed to be used for cleaning hard surfaces such as uncarpeted floors or counter tops.

(100) “Wet mopping system” means a device with the following characteristics: A long handle, a mop head designed to be used with disposable absorbent cleaning pads, a reservoir for cleaning solution, and a built-in mechanism for distributing or spraying the cleaning solution onto a floor, or a method of equivalent efficacy.

~~(84)-(101)~~ “Window trough” means, for the typical double-hung window, the portion of the exterior ~~window sill~~ windowsill between the interior ~~window sill~~ windowsill (or stool) and the frame of the storm window. If there is no storm window, the window trough is the area that receives both the upper and lower window sashes when they are both lowered. The window trough is sometimes referred to as the window “well”.

~~(85)-(102)~~ “Wipe sample” means the sample collected by wiping a representative surface of known area, as determined by ASTM E1728, “Standard Practice for Field Collection of Settled Dust Samples Using Wipe Sampling Methods for Lead Determination by Atomic Spectrometry Techniques,” or equivalent method, with an acceptable wipe material as defined in ASTM E1792, “Standard Specification for Wipe Sampling Materials for Lead in Surface Dust.”

(103) “Work area” means the area that the certified renovator establishes to contain the dust and debris generated by a renovation.

~~(86)-(104)~~ “Working day” means any day Monday through Friday. Holidays falling on any of these days are included in this definition.

~~(87)-(105)~~ “Zero (0)-bedroom dwelling” means any residential dwelling in which the living area is not separated from the sleeping area. The term includes efficiencies, studio apartments, dormitory housing, military barracks, and rentals of individual rooms in residential dwellings.

Authority O.C.G.A. Sec. 31-41-1 et seq. **History.** Original Rule entitled “Definitions” adopted. F. June 28, 1996; eff. July 18, 1996. **Repealed:** New Rule of same title adopted. F. June 26, 1998; eff. July 16, 1998. **Amended:** F. June 27, 2002; eff. July 17, 2002.

### **391-3-24-.04 Accreditation of Training Programs for ~~Target Housing and Child-Occupied Facilities.~~**

#### (1) Scope.

(a) A training program ~~for lead-based paint activities~~ may seek accreditation to offer lead-based paint and renovation activities training courses in any of the following disciplines: lead inspector, lead risk assessor, lead supervisor, lead project designer, ~~and lead worker,~~ renovator, and dust sampling technician. A training program may also seek accreditation to offer refresher courses for each of the above-listed disciplines. A training program seeking accreditation to offer initial and refresher courses taught in non-English languages must follow the requirements specified in this Rule and submit the required material in the language for which accreditation is sought.

(b) A training program may apply for accreditation to offer initial courses or refresher courses in as many disciplines as it chooses. A training program may seek accreditation for

additional courses at any time as long as the program can demonstrate that it meets the requirements of this Rule.

(c) A training program shall not provide, offer, or claim to provide Division-accredited training courses without applying for and receiving accreditation from the Division as required in this Rule.

(d) Training courses shall be evaluated by the Division to maintain accreditation by the Division for course administration, course length, curriculum, training methods, instructor's qualifications, instructor's teaching effectiveness, technical accuracy of written materials and instruction, examination, and training certificate. The evaluation shall be conducted in accordance with the requirements set forth in this Rule and any documented methodologies referenced herein.

(e) Training programs shall permit the Division to attend, evaluate and monitor any training course, take the course test and have access to records of training courses without charge or hindrance to the Division for the purpose of evaluating compliance with these Rules. The Division shall perform periodic and unannounced on-site audits of training courses.

(f) All accredited training programs shall be assigned an accreditation number and issued a certificate which lists each accredited training course approved by the Division.

(g) All accreditations shall expire on the following October 1, Where an October 1 expiration date results in less than 12 months of accreditation status, the accreditation fee shall be pro-rated accordingly. Training courses taught after the expiration date but prior to renewal shall constitute a violation of this Rule.

(h) In order to maintain accreditation as a training program, training programs must follow the requirements specified in paragraph (7) of this section.

(2) Application Process. The following are procedures and requirements an applicant must meet when applying to the Division for accreditation:

(a) A training program seeking accreditation shall submit the following documentation in accordance with the requirements specified in paragraphs (3) through (6) of this Rule, which shall include, but not be limited to:

1. A completed application on forms provided by the Division with all the appropriate information included and signed by the training manager. This information shall include, but not be limited to, training program's name, address, telephone number, and a list of courses for which the training program is applying for accreditation.

2. A statement signed by the training manager certifying that the training program meets the minimum requirements established in this Rule. If a training program uses EPA-developed model training materials, the training manager shall submit a statement certifying that the training program meets the minimum requirements established in EPA-developed model training materials.

3. A statement signed by the training manager certifying that the training program shall comply at all times with all of the requirements specified in 391-3-24.-04.

4. A statement signed by the training manager stating that the training manager is responsible for maintaining the validity and integrity of the hands-on-skills

assessment to ensure that it accurately evaluates the trainees' performance of the work practices and procedures associated with each course topic.

5. A statement signed by the training manager stating that the training manager is responsible for maintaining the validity and integrity of the course test to ensure that it accurately evaluates the trainees' knowledge and retention of the course topics.

6. A fee in the amount of \$400 per eight-hour day of training for each lead supervisor, inspector, risk assessor, project designer, or lead worker training course shall be submitted electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees. A fee in the amount of \$400 per eight-hour day of training for each renovator or dust sampling technician training course shall be submitted electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Renovation Fees. Fees are based on eight hours a day of training for each training course. A minimum of \$400 shall be submitted for a training course less than eight hours.

7. A copy of the student manuals and instructor manuals to be used for each training course in the appropriate language for which the course is taught. This would also include a content checklist that identifies and locates sections of the manual where required course topics are covered.

8. A copy of each course agenda which shall include, but not be limited to, daily start and stop times and time allotted to teaching each course topic.

9. A copy of the course test for each training course with the correct answers marked for each test question.

10. A description of the facilities and equipment to be used for the lecture, the course test and the hands-on skills training.

11. A copy ~~of~~ and description of all audio/visual materials which shall be used for each course.

12. A copy of the course test blueprint for each course.

13. A detailed description of each hands-on skills training activity and skills assessment, including criteria for student proficiency.

14. A detailed description of the learning or performance objectives that will be taught for each course topic.

15. A copy of the quality control plan.

16. An original course completion certificate, which shall include:

(i) Name, and address ~~and social security number~~ of the student;

(ii) Training course title specifying if it is an initial or refresher training course;

(iii) Inclusive dates of training course and applicable course test passage;

- (iv) Statement that the student completed the course and passed the course test requirements and hands-on skills assessment;
- (v) Unique certificate identification number;
- (vi) Printed name and signature of the training manager and printed name of principal instructor(s);
- (vii) Name, address, and phone number of training program;
- (viii) Training course location, if different from training program's address;
- (ix) Certificate expiration date that is three (3) years after the date the course was completed;
- (x) Language in which training course was taught, if other than English; and
- (xi) The date the training course was accredited and the name of the agency issuing the accreditation.
- (xi) A photograph of the individual for renovator and dust sampling technician course completion certificates.

(b) Training course accreditation shall be processed as follows:

1. The Division shall review the application for accreditation and supporting documentation submitted pursuant to paragraph (a) of this section and advise the applicant of any deficiencies. If the deficiencies are not corrected within one (1) year from the date of application, the application and any supporting documentation may be returned to the applicant and the applicant shall be required to resubmit a complete application pursuant to paragraph (a) of this section. Approval of submitted documentation does not constitute course accreditation.
2. If the submitted documentation meets all applicable requirements of this section, the Division shall notify the applicant of this and also advise the applicant to contact the Division to schedule an on-site audit. The on-site audit shall be conducted in Georgia and on the training course for which accreditation is sought with at least two (2) student attendees present. No class shall be conducted for accreditation purposes prior to the on-site audit except for the class scheduled for on-site audit purposes.
3. If the Division determines, as a result of the on-site audit, that the training course meets all applicable requirements of this section, the Division shall issue a training course accreditation certificate for the accredited training course. If the training course does not meet these requirements, the Division shall notify the applicant of the deficiencies and advise the applicant that it may request one (1) additional on-site audit, which shall be held no more than six (6) months from the date of the first audit.
4. If the Division determines, as a result of the second audit, that the training course meets all applicable requirements of this section, the Division shall issue a training course accreditation certificate for the accredited training course. If the training course does not meet all requirements, the Division shall notify the applicant of the

deficiencies and advise the applicant that it may not reapply for training course accreditation for the audited training course for a period of six (6) months from the date of the last audit.

5. The Division shall not accept training course certificates pursuant to this section for a training course that is not accredited pursuant to this Rule.

(3) Minimum Requirements for the Accreditation of Training Programs.

(a) For a training program to obtain accreditation from the Division to offer training courses in renovation and lead-based paint activities, the training program shall meet and maintain the following minimum requirements for each discipline for which the training program is seeking accreditation:

1. The training program shall employ a training manager who has:

(i) At least two (2) years of experience, education or training in teaching adults; or

(ii) A bachelor's or graduate level degree in building construction technology, engineering, industrial hygiene, biology, physical science, safety, public health, education, business administration, program management or a related field; or

(iii) Two (2) years of experience in managing a training program specializing in environmental hazards; and

(iv) Demonstrated experience, education, or training in the construction industry including: lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

2. The training manager shall designate a qualified principal instructor for each course who has:

(i) Demonstrated experience, education, or training in teaching workers or adults; and

(ii) Successfully completed a lead training course from an accredited training program specific to the discipline(s) in which the instructor intends to teach, with a minimum of sixteen (16) training hours.

(iii) Demonstrated two (2) years of experience, education, or training in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

3. The principal instructor shall be responsible for the organization of the course and oversight of the teaching of all training course curriculum. The training manager may designate guest instructors as needed to provide instruction specific to the lecture, hands-on activities, or work practice components of a training course.

4. The training manager may appoint one (1) or more guest instructors for each training course to teach hands-on activities and/or work practices who has:

(i) Demonstrated experience, education, or training in teaching workers or adults; and

(ii) Successfully completed a lead training course from an accredited training program specific to the discipline(s) in which the instructor intends to teach, with a minimum of sixteen (16) training hours; and

(iii) At least two (2) years of experience, education, or training in the field in which they provide the instruction.

5. The following documents shall be recognized by the Division as evidence that training managers, principal instructors, and guest instructors meet the relevant educational, work experience, and/or training requirements specifically listed in paragraphs (3)(a)1., (3)(a)2., and (3)(a)4. of this section. This documentation shall be submitted with the application for training program accreditation.

(i) A copy of an official academic transcript or diploma as evidence of meeting the educational requirements.

(ii) Resumes, letters of reference or documentation of work experience, as evidence of meeting the work experience requirements. This documentation should include, but not be limited to, work history documenting related experience including inclusive dates of experience, employer's name, address and phone number; positions held; projects completed and job responsibilities held during the projects.

(iii) A copy of certificates from train-the-trainer courses and lead-specific lead-specific training courses, as evidence of meeting the training requirements.

6. The training program shall ensure the availability of, and provide adequate facilities for, the delivery of the lecture, course test, hands-on training, and assessment activities. This includes providing training equipment that reflects current work practices and maintaining or updating the equipment and facilities as needed.

7. The training manager shall be responsible for ensuring that the instructors accurately teach the training course curriculum that was accredited by the Division.

8. For each training course offered, the training program shall conduct a hands-on skills assessment, if applicable, and a ~~closed book~~ closed book course test at the completion of the training course. For successful completion of the training course, each student shall attend at least ninety-five percent (95%) of the training course, successfully complete the hands-on skills assessment, and receive a passing score of seventy percent (70%) or greater on the course test. Passing students shall be provided with a course completion certificate from the training program.

(i) The training manager is responsible for maintaining the validity and integrity of the hands-on skills assessment to ensure that it accurately evaluates the trainee's performance of the work practices and procedures associated with the course topics contained in paragraph (4) of this section.

(ii) The training manager is responsible for maintaining the validity and integrity of the course test to ensure that it accurately evaluates the trainees' knowledge and retention of the course topics.

(iii) The course test shall be developed in accordance with the test blueprint. All initial course tests, except lead worker and renovator, shall consist of a

minimum of 50 multiple choice questions. All other training course exams shall consist of a minimum of 25 multiple choice questions.

9. The training programs shall issue a unique course completion certificate as specified in paragraph (2)(a)16. of this section to each person who successfully completes a training course.

10. The training manager shall develop and implement the quality control plan. The plan shall be used to maintain and improve the quality of the training program over time. This plan shall contain at least the following elements:

(i) Procedures for periodic revision of training materials and the course test to reflect innovations in the field; and

(ii) Procedures for the training manager's annual review of the principal instructor's competency.

11. The training program shall ensure that the following quality control measures are met:

(i) The instructor(s) shall follow the training curriculum which was accredited by the Division;

(ii) Each initial training course shall have a maximum of forty (40) students;

(iii) A day of training shall be a minimum of eight (8) hours a day and at least six and one-half (6 1/2) hours of direct instruction, including classroom, hands-on training or field trips, except for the ~~refresher~~ renovator, dust sampling technician and lead project designer refresher training ~~course~~ courses;

(iv) Work time and instruction time shall not exceed twelve (12) hours in a twenty-four (24) -hour period;

(v) All course requirements must be completed within a two-week period of the course start date;

(vi) All instructors and students shall be fluent in the language in which the course is being taught;

(vii) An interpreter shall not be used to teach or instruct training courses;

(viii) Lead worker, renovator, and dust sampling technician initial training courses shall have at least one (1) principal instructor. Other initial courses shall have a minimum of two (2) instructors;

(ix) Instructor ratio for hands-on training skills assessment shall be no more than ten (10) students per instructor;

(x) All course materials shall be developed in the language for which the course is being taught;

(xi) Each training course shall be discipline specific;

(xii) Students shall take a course test no more than two (2) times for each training course. After two (2) failures, the student shall retake the full course before being allowed to retest;

(xiii) Instructors shall not review for the course test by reading questions from the test;

(xiv) A training program shall provide course test security measures to prevent student access to the course test before and after the test. Training programs shall take measures to preclude cheating during the course test; and

(xv) For each training course, the training program shall verify, by photo identification, the identity of each person taking the training course.

12. The training program shall offer training courses which teach the work practice standards for conducting renovation and lead-based paint activities contained in Rule 391-3-24-.10 and Rule 391-3-24-.06.

These standards shall be taught in the appropriate courses so as to provide trainees with the knowledge needed to perform the renovation and lead-based paint activities they are responsible for conducting.

13. The training manager shall be responsible for ensuring that the training program complies at all times with all of the requirements specified in Rule 391-3-24-.04.

14. At the conclusion of all training courses, the training program shall make available copies of the Georgia Rules and certification applications to all course attendees.

(4) Minimum Training Curricula Requirements for Training Courses.

(a) To become accredited to offer renovation and lead-based paint training courses in the specific disciplines listed below, training programs must ensure that their training course curriculum includes, at a minimum, the following course topics. Listed requirements ending in an asterisk (\*) indicate areas that require hands-on activities as an integral component of the course.

(b) Lead Inspector.

1. Role and responsibilities of the inspector.

2. Background information on lead and its adverse health effects.

3. Background information on Federal, State, and local regulations and guidance that pertain to lead-based paint and lead-based paint activities.

4. Lead-based paint inspection methods, including selection of rooms and components for sampling and testing.\*

5. Paint, dust, and soil sampling methodologies.\*

6. Clearance standards and testing, including random sampling.\*

7. Preparation of the final inspection report.\*
8. Recordkeeping.
9. Minimum course length is twenty-four (24) training hours, with a minimum of eight (8) hours devoted to hands-on training.

(c) Lead Risk Assessor.

1. The role and responsibilities of the risk assessor.
2. Collection of background information to perform a risk assessment.
3. Sources of environmental lead contamination such as paint, surface dust and soil, water, air, packaging, and food.
4. Visual inspection for the purpose of identifying lead-based paint, and lead-based paint hazards.\*
5. Lead hazard screen protocol.
6. Sampling for other sources of lead exposure.\*
7. Interpretation of lead-based paint and other lead sampling results including all applicable State or Federal guidance or regulations pertaining to lead-based paint hazards.\*
8. Development of hazard control options, the role of interim controls, and operations and maintenance in reducing lead hazards.\*
9. Preparation of a final risk assessment report.
10. The minimum course length is sixteen (16) training hours, with a minimum of four (4) hours devoted to hands-on training activities.

(d) Lead Supervisor.

1. Role and responsibilities of a supervisor.
2. Background information on lead and its adverse health effects.
3. Background information on Federal, State, and local regulations and guidance that pertains to lead-based paint abatement.
4. Liability and insurance issues relating to lead-based paint abatement.
5. Risk assessment and inspection report interpretation.\*
6. Development and implementation of an occupant protection plan and abatement report.
7. Lead-based paint hazard recognition and control.\*

8. Lead-based paint abatement and lead hazard reduction methods, including restricted practices.\*
9. Interior dust abatement/clean-up or lead hazard control and reduction methods.\*
10. Soil and exterior dust abatement or lead hazard control and reduction methods.\*
11. Clearance standards and testing.\*
12. Clean-up and waste disposal practices and regulations.
13. Recordkeeping.
14. The minimum course length is thirty-two (32) training hours, with a minimum of eight (8) hours devoted to hands-on training activities.

(e) Lead Project Designer.

1. Role and responsibility of a project designer.
2. Development and implementation of an occupant protection plan for large-scale abatement projects.
3. Lead-based paint abatement and lead-based paint hazard reduction methods for abatement projects with five (5) or more residential dwelling units.
4. Interior dust abatement/cleanup or lead hazard control and reduction methods for large-scale abatement projects.
5. Clearance standards and testing for large-scale abatement projects.
6. Integration of lead-based paint abatement methods with modernization and rehabilitation projects for large-scale abatement projects.
7. The minimum course length is eight (8) training hours.

(f) Lead Worker.

1. Role and responsibility of a lead worker.
2. Background information on lead and its adverse health effects.
3. Background information on Federal, State and local regulations and guidance that pertain to lead-based paint abatement.
4. Lead-based paint hazard recognition and control.\*
5. Lead-based paint abatement and lead hazard reduction methods, including restricted practices.\*
6. Interior dust abatement methods/clean-up or lead hazard reduction.\*
7. Soil and exterior dust abatement methods or lead hazard reduction.\*

8. The minimum course length is sixteen (16) training hours with a minimum of eight (8) hours devoted to hands-on training activities.

(g) Renovator.

1. Role and responsibility of a renovator.

2. Background information on lead and its adverse health effects.

3. Background information on EPA, HUD, OSHA, and other Federal, State, and local regulations and guidance that pertains to lead-based paint and renovation activities.

4. Procedures for using acceptable test kits to determine whether paint is lead-based paint.

5. Renovation methods to minimize the creation of dust and lead-based paint hazards.\*

6. Interior and exterior containment and cleanup methods.\*

7. Methods to ensure that the renovation has been properly completed, including cleaning verification, and clearance testing.\*

8. Waste handling and disposal.

9. Providing on-the-job training to other workers.

10. Record preparations.

11. The minimum course length is eight (8) training hours with a minimum of two (2) hours devoted to hands-on training activities.

(h) Dust sampling technician.

1. Role and responsibility of a dust sampling technician.

2. Background information on lead and its adverse health effects.

3. Background information on Federal, State, and local regulations and guidance that pertains to lead-based paint and renovation activities.

4. Dust sampling methodologies.\*

5. Clearance standards and testing.

6. Report preparations.

7. The minimum course length is eight (8) training hours with a minimum of two (2) hours devoted to hands-on training activities.

(5) Minimum Requirements for the Accreditation of Refresher Training Programs.

(a) A training program may seek accreditation to offer refresher training courses in any of the following disciplines: lead inspector, lead risk assessor, lead supervisor, lead project designer, and lead worker, renovator and dust sampling technician. To obtain Division

accreditation to offer refresher training, a training program must meet and maintain the following minimum requirements:

(b) Each refresher training course shall review the curriculum topics of the full-length courses listed under paragraph (4) of this section, as appropriate. In addition, to become accredited to offer refresher training courses, the training program shall ensure that their training course curriculum includes, at a minimum, the following:

1. An overview of current safety practices relating to renovation and lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.
2. Current laws and regulations relating to renovation and lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.
3. Current technologies relating to renovation and lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.

(c) Each refresher training course, except for lead project designer, dust sampling technician, and renovator, shall last a minimum of eight (8) training hours. The lead project designer, dust sampling technician, and renovator refresher courses ~~course~~ shall last a minimum of four (4) training hours.

(d) For each course offered, the training program shall ~~conduct a hands-on skills assessment, except for the project designer refresher course, and administer a course test~~ at the completion of the course, ~~a course test~~. All refresher course tests shall consist of a minimum of 25 multiple choice questions. For successful completion of the training course, each student shall attend at least ninety-five percent (95%) of the training course, and receive a passing score of seventy percent (70%) or greater on the course test. Passing students shall be provided with a refresher course completion certificate from the training program.

(e) A training program seeking to offer refresher training courses shall also meet and maintain the requirements specified in paragraphs (2) through (7), except for training hour requirements.

(6) Minimum Requirements for Training Program Notification and Recordkeeping.

(a) Accredited training programs shall submit to the Division the following:

1. Notice of intention to conduct an accredited training course for lead ~~accreditation and renovation certification~~ purposes shall be submitted to the Division. Notices for training courses, except lead worker and renovator, shall be postmarked or received by the Division ten (10) working days before the training course start date. Notice for lead worker and renovator training courses shall be postmarked or received by the Division five (5) working days before the training course start date. If the training course is canceled, the training program shall notify the Division at least one (1) working day prior to the scheduled start date. Notification of intent to conduct a training course shall be made on forms provided by the Division and shall include, but not be limited to, the following:

- (i) Training program name, address, phone number and contact person;
- (ii) Training course title;
- (iii) Inclusive dates of training course and applicable exam;

- (iv) Start and completion times of training course;
- (v) Location of course facility and directions to the course facility if the site is not routine for the training program;
- (vi) Language in which training course is taught;
- (vii) Principal instructor for the training course; and
- (viii) Signature of the training manager.

2. A course roster must be submitted to the Division no later than five (5) working days after the last day of training. The course roster must be provided on forms provided by or acceptable to the Division and must contain the name of every person who attended the training course, ~~regardless of~~ including whether the person was issued a training certificate or not.

3. Any changes to course length, curriculum, training methods, training manual or materials, instructors, course test, training certificate, training manager or contact person shall be made in writing and submitted to the Division at least ten (10) working days prior to the scheduled training course start date. Changes must be approved by the Division prior to any training utilizing the changes in order for the course to be accepted for accreditation purposes.

4. Current curriculum/course materials and documents reflecting any changes made to these materials.

(b) The accredited training program shall maintain and make available to the Division for inspection the following information:

1. Information and documentation for any course accredited under 391-3-24-.04 of this Rule.

2. Assessment information on how the hands-on training, work tasks and procedures are evaluated for each student which shall include, but not be limited to, instructor conducting the assessment, grading criteria, facilities used, and the pass/fail rate.

3. Results of the students' hands-on skills assessments and course tests, and a record of each student's course completion certificate.

4. The quality control plan as described in paragraph (3)(a)(10) of this section.

5. Any other material not listed above that was submitted to the Division as part of the program's application for accreditation.

(c) The training program shall retain records specified in paragraph (b) of this section at the address specified on the training program application for a minimum of three (3) years and six (6) months. The training program shall notify the Division within twenty (20) working days of changes to the address specified on its training program application or transferring of the records from that address.

(7) Minimum Requirements for Renewals of Accredited Training Programs.

(a) If a training program submits a renewal application and meets the requirements of this section, the training program's course accreditation shall be renewed for a period of twelve (12) months.

(b) An accredited training program seeking training course renewal shall submit a completed renewal application on forms provided by the Division with all appropriate information included and signed by the training manager. The renewal application shall include, but not be limited to:

1. The training program's name, address and telephone number.
2. A list of training courses for which renewal of accreditation is being sought.
3. A description of any changes to the training facility, equipment, curriculum, hands-on activities, instructors, or quality control plan since its last application was approved that adversely affects the students' ability to learn.
4. A certified statement signed by the training manager stating that the training program complies at all times with all requirements of 391-3-24-.04 of this Rule.

(c) Applications for course renewal must be postmarked or hand delivered to the Division no later than thirty (30) days before the expiration date for each course accredited by the Division. Renewal applications postmarked or hand delivered on or before the thirtieth (30th) day before the expiration date shall include a renewal fee of \$300 per training course. Renewal applications postmarked or hand delivered less than thirty (30) days before the expiration date shall include a renewal fee of \$450 per training course. Fees shall be submitted electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees for lead supervisor, inspector, risk assessor, project designer, or lead worker courses. Fees shall be submitted electronically or in the form of a check or money order and made payable to the Environmental Protection Division – Lead Renovation Fees for renovator and dust sampling technician courses.

(d) Training programs, which submit an application for course renewal after the expiration date of accreditation by the Division shall follow the requirements specified in paragraph 391-3-24-.04(2) of this Rule for accreditation purposes.

(e) Training programs holding an accreditation from the Division ~~on the effective date of this Rule~~ shall submit a renewal application on forms provided by the Division on or before October 1, ~~2002~~ yearly and shall be renewed for a period of up to twelve (12) months. In those cases where an October 1 expiration date results in less than twelve (12) months of accreditation, the renewal fee shall be pro-rated accordingly.

(f) The Division may audit the training program at any time to verify the contents of the application for renewal.

(8) Reciprocity.

(a) The Division may seek reciprocity agreements with other States, Tribes or Territories where equivalency of lead certification and training requirements can be demonstrated.

The Division may recognize the accreditation of a training course or refresher training course granted by any other State, Tribe or Territory with which the Division has a written reciprocal agreement. Any training program may apply to have its accredited courses approved by the Division if its training course or refresher training course has been

accredited by a State, Tribe or Territory with which the Division has a written reciprocal agreement.

(b) Training programs applying for Division accreditation by reciprocity shall follow the requirements specified in paragraph (2)(a), except (2)(a)6., and submit a fee in the amount of \$400 per training course for which accreditation is sought. Fees shall be submitted electronically or in the form of a check or money order made payable to the Environmental Protection Division - Lead Abatement Fees for lead supervisor, inspector, risk assessor, project designer, or lead worker courses. Fees shall be submitted electronically or in the form of a check or money order made payable to the Environmental Protection Division – Lead Renovation Fees for renovator and dust sampling technician courses.

(9) Recognition of EPA Training Program Accreditation

(a) The Division shall recognize training programs holding an accreditation from the U.S. EPA issued before the effective date of this Rule for renovator and/or dust sampling technician courses if the following requirements are met:

1. Upon notification by the Division, an application for recognition of U.S. EPA training program accreditation is submitted on forms provided by the Division within sixty (60) days of the Division's notification.

2. A fee of \$200.00 per training course shall be submitted to the Division electronically or in the form of a check or money order and made payable to the Environmental Protection Division – Lead Renovation Fees for each training course to be recognized by the Division.

(b) The Division shall issue a certification of the Division's acceptance of the U.S. EPA training program accreditation within thirty (30) days of the applicant meeting the requirements of paragraph 1. and 2. of this Rule. The accreditation issued by the Division shall have an expiration date of October 1, 2011. Renewals of accreditation shall meet the requirements in Rule 391-3-24-.04(7).

(c) The Division shall not recognize U.S. EPA training program accreditation or accept courses offered as acceptable training for Division certification of renovator or dust sampling technician certifications if the training provider fails to submit an application and the appropriate fees within sixty (60) days of being notified by the Division.

(9)-(10) Suspension, Revocation, and Modification of Accredited Training Programs.

(a) The Director may investigate the actions of any training program and may suspend, revoke or modify the accreditation of a training program in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedures Act", when it is found that the training program, training manager, or other responsible persons with the training program has:

1. Misrepresented the contents of a training course to the Division and/or the student population.

2. Failed to submit required information or notifications in a timely manner.

3. Failed to maintain required records.

4. Falsified accreditation records, instructor qualifications, or other accreditation-related information or documentation.

5. Failed to comply with the training standards and requirements in this section.

6. Failed to comply with Federal, State or local lead-based paint statutes or regulations.

7. Made false or misleading statements to the Division in its application for accreditation or renewal that the Division relied upon in approving the application.

(b) When accreditation of a training program is revoked, the training program shall not be eligible for ~~reaccreditation~~ re-accreditation for a period of five (5) years from the date of revocation.

Authority O.C.G.A. Sec. 31-41-1 et seq. **History.** Original Rule entitled “Accreditation of Training Programs for Target Housing and Child-Occupied Facilities” adopted. F. June 28, 1996; eff. July 18, 1996. **Repealed:** New Rule of same title adopted. F. June 26, 1998; eff. July 16, 1998. **Amended:** F. June 27, 2002; eff. July 17, 2002.

**391-3-24-.05 Certification Requirements and Application Procedures for of Persons and Firms Conducting Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities. Amended.**

(1) Scope.

(a) Following the submission of an application demonstrating that all the requirements of this Rule are met and a determination by the Division that a person has met all applicable requirements to perform the appropriate lead-based paint activities, the Division shall certify the applicant as a lead inspector, lead risk assessor, lead supervisor, lead project designer or lead worker.

(b) All certified persons shall be assigned a certification number and issued a photo-identification card and certificate by the Division.

(c) All certified lead firms shall be assigned a certification number and issued a certificate by the Division.

(d) When educational experience is required, the Division shall recognize a copy of an official academic transcript, diploma, or professional certification as evidence of meeting the educational requirements.

(e) When work experience is required, the Division shall recognize a resume or letter of reference from a current or previous employer as evidence of meeting the work experience requirements. This documentation shall include, but not be limited to, work history documenting related experience including inclusive dates of experience, employer's name, address and phone number, ~~positions~~ positions held, projects completed and job responsibilities held during the projects.

(f) Upon receiving certification by the Division, persons conducting lead-based paint activities shall work for a certified lead firm and shall comply with the standards for performing such lead-based paint activities as established in Rule 391-3-24-.06.

(g) All certifications shall expire twelve (12) months from the issue date of the certificate or on the expiration the last date of required training, whichever is earlier as specified in (2)(a)

through (2)(e) of this Rule. Work performed after ~~the twelfth (12th) month~~ the certification expiration date and prior to renewal shall constitute a violation of this Rule.

(h) No person or lead firm shall conduct lead-based paint activities described in this section if that person or lead firm has not received the appropriate certification by the Division pursuant to the requirements specified herein of this section and the person or lead firm does not have in their possession a Division issued certification card or certificate.

(i) In order to maintain certification as a person or lead firm, applicants must follow the requirements specified in paragraph (4) of this section.

(j) A person who is employed by and in the process of conducting ~~lead investigations~~ lead-based paint activities for a federal, state or local government agency shall not be required to pay certification fees as specified in this section.

(k) Persons requesting a duplication of their certification ~~card~~ shall submit a fee in the amount of \$25.00 electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees.

(2) Application Process. The following are procedures and requirements an applicant must meet when applying to the Division for certification:

(a) Certification of Lead Workers

1. To become certified as a lead worker, a person must:

(i) Successfully complete a course and receive an initial course completion certificate from an accredited training program in the appropriate discipline for which certification is sought;

(ii) Submit a completed certification application on forms provided by the Division with all appropriate information included. This would also include original signature and date;

(iii) Submit an original initial course completion training certificate in the discipline for which certification is sought or an original letter from the accredited training program confirming completion of said training course on the accredited training program letterhead. Original documents shall be returned upon issuance or denial of certification by the Division;

(iv) Submit one (1) current 1\_1/4 inch x 1\_1/4 inch color passport photograph of the applicant with the applicant's name, ~~social security number~~ and original signature on the back of the picture; and

(v) Submit a fee in the amount of \$25.00 electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees.

(b) Certification of Lead Inspectors.

1. To become certified as a lead inspector, a person must:

- (i) Successfully complete a course and receive an initial course completion certificate from an accredited training program in the appropriate discipline for which certification is sought;
- (ii) Successfully pass an exam and receive a third party certification exam letter from a third party certification exam administrator in the appropriate discipline for which certification is sought;
- (iii) Submit a completed certification application on forms provided by the Division with all appropriate information included. This would also include original signature and date;
- (iv) Submit an original initial course completion training certificate in the discipline for, which certification is sought or an original letter from the accredited training program confirming completion of said training course on the accredited training program letterhead. Original documents shall be returned upon issuance or denial of certification by the Division;
- (v) Submit an original third party certification exam letter in the appropriate discipline for which certification is sought confirming successful completion of said exam. Original documents shall be returned upon issuance or denial of certification by the Division;
- (vi) Submit one (1) current 1\_1/4 inch x 1\_1/4 inch color passport photograph of the applicant with the applicant's name, ~~social security number~~ and original signature on the back of the picture; and
- (vii) Submit a fee in the amount of \$150.00 electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees.

(c) Certification of Lead Supervisors.

1. To become certified as a lead supervisor, a person must:

- (i) Successfully complete a course and receive an initial course completion certificate from an accredited training program in the appropriate discipline for which certification is sought;
- (ii) Successfully pass an exam and receive a third party certification exam letter from a third party certification exam administrator in the appropriate discipline for which certification is sought;
- (iii) Meet or exceed the following experience and/or education requirements:
  - (I) One-year of experience as a lead worker; or,
  - (II) At least two (2) years of experience in a related field or in the building trades.
- (iv) Submit a completed certification application on forms provided by the Division with all appropriate information included. This would also include original signature and date;

(v) Submit an original initial course completion training certificate in the discipline for which certification is sought or an original letter from the accredited training program confirming completion of said training course on the accredited training program letterhead. Original documents shall be returned upon issuance or denial of certification by the Division;

(vi) Submit an original third party certification exam letter in the appropriate discipline for which certification is sought confirming successful completion of said exam. Original documents shall be returned upon issuance or denial of certification by the Division;

(vii) Submit one (1) current 1\_1/4 inch x 1\_1/4 inch color passport photograph of the applicant with the applicant's name, ~~social security number~~ and original signature on the back of the picture; and

(viii) Submit a fee in the amount of \$150.00 electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees.

(d) Certification of Lead Risk Assessors.

1. To become certified as a lead risk assessor, a person must:

(i) Successfully complete a course and receive initial course completion certificates from an accredited training program in the lead inspector course and in the appropriate discipline for which certification is sought;

(ii) Successfully pass an exam and receive a third party certification exam letter from a third party certification exam administrator in the lead inspector discipline and in the appropriate discipline for which certification is sought;

(iii) Meet or exceed the following experience and/or education requirements:

(I) Bachelor's degree and one (1) year of experience in a related field;  
or,

(II) An Associate's degree and two (2) years of experience in a related field; or,

(III) Certification as an industrial hygienist, professional engineer, registered architect and/or certification in a related engineering/health/environmental field; or,

(IV) A high school diploma (or equivalent), and at least three (3) years of experience in a related field.

(iv) Submit a completed certification application on forms provided by the Division with all appropriate information included. This would also include original signature and date;

(v) Submit original course completion training certificates in the lead inspector discipline and in the discipline for which certification is sought or an original letter from the accredited training program confirming completion of said

training courses on the accredited training program letterhead. Original documents shall be returned upon issuance or denial of certification by the Division;

(vi) Submit an original third party certification exam letter in the lead inspector discipline and in the appropriate discipline for which certification is sought confirming successful completion of said exams. Original documents shall be returned upon issuance or denial of certification by the Division;

(vii) Submit one (1) current 1\_1/4 inch × 1\_1/4 inch color passport photograph of the applicant with the applicant's name, ~~social security number~~ and original signature on the back of the picture; and

(viii) To obtain a joint Inspector/Risk Assessor certification simultaneously, submit a fee in the amount of \$250.00 along with the documents required by (2)(c)1.(i)-(vii) and (2)(d)1.(i)-(vii); or

(ix) To obtain a Risk Assessor certification without an Inspector Certification, submit a fee in the amount of \$150.00 electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees along with the documents required by (2)(d)1.(i)-(vii).

(e) Certification of Lead Project Designers.

1. To become certified as a lead project designer, a person must:

(i) Successfully complete a course and receive course completion certificates from an accredited training program in the lead supervisor course and in the appropriate discipline for which certification is sought;

(ii) Successfully pass an exam and receive a third party certification exam letter from a third party certification exam administrator in the lead supervisor discipline;

(iii) Meet or exceed the following experience and/or education requirements:

(I) Bachelor's degree in engineering, architecture, or a related profession, and one (1) year of experience in building construction and design or a related field; or,

(II) Four (4) years of experience in building construction and design or a related field.

(iv) Submit a completed certification application on forms provided by the Division with all appropriate information included. This would also include original signature and date;

(v) Submit original course completion training certificates in the lead supervisor discipline and in the discipline for which certification is sought or an original letter from the accredited training program confirming completion of said training courses on the accredited training program letterhead. Original documents shall be returned upon issuance or denial of certification by the Division;

(vi) Submit an original third party certification exam letter in the lead supervisor discipline confirming successful completion of said exam. Original documents shall be returned upon issuance or denial of certification by the Division;

(vii) Submit one (1) current 1\_1/4 inch x 1\_1/4 inch color passport photograph of the applicant with the applicant's name, ~~social security number~~ and original signature on the back of the picture; and

(viii) Submit a fee in the amount of \$150.00 electronically or in the form of a check or money order and made payable to the Environmental Protection Division – Lead Abatement Fees.

(f) Certification of Lead Firms.

1. All firms, which offer to perform, or that perform, any of the lead-based paint activities described in Rule 391-3-24-.06 must have certification from the Division.

2. A firm seeking certification, as a Lead Firm must:

(i) Submit a completed certification application on forms supplied by the Division certifying that the firm shall:

(I) Only employ Division certified employees to conduct ~~leadbased~~ lead-based paint activities;

(II) Follow standards in Rule 391-3-24-.06 for conducting lead-based paint activities; and

(III) Maintain all records pursuant to the requirements in Rule 391-3-24-.06.

(ii) Submit a disclosure statement of any action taken by EPA or an EPA authorized program involving violations, suspensions, revocations or modifications of a firm's activities; and

(iii) Submit a fee in the amount of \$350.00 electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees.

(iv) Federal, State, county or city government agencies, who conduct lead-based paint investigations are exempt from the \$350.00 firm certification fee.

(3) Third Party Certification Exam.

(a) The third party certification exam shall be taken only from a third party certification exam administrator who is ~~contracted~~ accepted by the Division to perform such duties.

(b) In order to take the third party certification exam for a particular discipline, a person must:

1. Successfully complete an accredited course in the appropriate discipline and receive a course completion certificate from an accredited training program.

2. Meet or exceed the educational and/or work experience requirements in section 391-3-24-.05 of this Rule for each appropriate discipline for which certification is sought.

3. Take the third party certification exam no more than three (3) times. If a person does not pass the third party certification exam with a passing score of 70 percent (70%) or greater and receive a certificate and/or certification letter, the person must retake the appropriate training course from an accredited training program before retaking the third party certification exam.

(4) Renewal of Certification.

(a) After certified persons demonstrate that all of the requirements of this section are met and the Division determines that an applicant has met all the requirements set forth in this section, the Division shall renew certification of a person as a lead inspector, lead risk assessor, lead supervisor, lead project designer, or lead worker.

(b) Certified persons meeting the requirements of this section shall be renewed for a period of twelve (12) months from the expiration date of certification or until the expiration date of required training, whichever is earlier.

(c) Persons seeking renewal of certification shall:

1. Submit a completed renewal application to the Division on forms provided ~~or approved~~ by the Division with all the appropriate information included and signed by the applicant.

2. Successfully complete a course(s) and receive a refresher course completion certificate(s) from an accredited training program in the appropriate discipline(s) for which renewal is sought within ~~twentyfour~~ twenty-four (24) months from the last date of training.

Persons that do not successfully complete the said refresher course(s) within twenty-four (24) months from the last date of training may obtain provisional certification for twelve (12) months by payment of a fee two (2) times the certification fee.

Persons that do not successfully complete the refresher course(s) and receive a certificate of ~~completion~~ completion by the thirty-sixth (36th) month from the last date of training, shall successfully complete the initial said training course for renewal of certification.

3. Submit an original refresher course completion certificate(s) in the appropriate discipline(s) for which renewal is sought or an original letter from the accredited training program confirming completion of said training course(s) on the accredited training program letterhead.

4. Submit one (1) current 1\_1/4 × 1\_1/4 inch color passport photograph of the applicant with the applicant's name, ~~social security number~~ and original signature on the back of the photograph.

5. Submit a fee in the amount of \$150.00 per renewal discipline, or \$250.00 per 391-3-24-.05(2)(d)1(viii), except the lead worker discipline. An applicant seeking renewal in the lead worker discipline shall submit a fee in the amount of \$25.00. Fees shall be submitted electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees.

(d) In order for lead firm certification to be renewed for a period of twelve (12) months, the firm shall:

1. Submit a completed renewal application to the Division on forms provided by the Division certifying that the lead firm shall:

(i) Only employ Division certified persons to conduct lead-based paint activities;

(ii) Follow the standards in Rule 391-3-24-.06 for conducting ~~leadbased~~ lead-based paint activities; and

(iii) Maintain all records pursuant to the requirements in Rule 391-3-24-.06.

2. Submit a disclosure statement of any action taken by EPA or an EPA approved program involving violations, suspensions, revocations, or modifications of a lead firm's activity.

3. Submit a fee in the amount of \$350.00 electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees.

(e) Renewal applications shall be postmarked or hand delivered to the Division thirty (30) days prior to the expiration date of certification for each discipline in which certification is sought. Certified persons submitting renewal applications postmarked or hand delivered after the expiration date of certification shall follow the requirements specified in paragraph (2) of this section for certification purposes.

#### (5) Reciprocity.

(a) Each person seeking certification who is licensed, certified or permitted in another state, Tribe or Territory of the United States to perform lead hazard reduction activities may petition the Division on a form provided by the Division to grant certification without repetition of training requirements. The Division may recognize the certification of a discipline granted by another State, Tribe or Territory with which the Division has a written reciprocal agreement. Any person may apply to have their certification approved by the Division if their certification has been licensed, certified or permitted by another State, Tribe or Territory with which the Division has a written reciprocal agreement.

(b). Persons seeking certification by reciprocity shall also submit to the Division the following:

1. A completed application to the Division on forms provided by the Division with all the appropriate information included and signed by the applicant.

2. A copy of the certification issued by the reciprocating state, tribe or territory.

3. One (1) current 1\_1/4 inch x 1\_1/4 inch color passport photograph of the applicant with the applicant's name, ~~social security number~~ and original signature on the back of the picture.

4. A fee in the amount of \$150.00 for each discipline, except lead worker discipline and/or the combined lead inspector/risk assessor obtained simultaneously; an applicant seeking certification in the lead worker discipline shall submit a fee in the amount of \$25.00; an applicant seeking the combined inspector/risk assessor obtained simultaneously shall submit a fee in the amount of \$250.00. Fees shall be

submitted electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees.

(6) Suspension, Revocation, and Modification.

(a) The Director may investigate the actions of any certified person or lead firm and may suspend, revoke or modify the certification of a person or lead firm in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedures Act," when it is found that the person or lead firm has:

1. Obtained training documentation through fraudulent means.
2. Gained admission to and completed an accredited training program through misrepresentation of admission requirements.
3. Obtained certification through misrepresentation of certification requirements or related documents dealing with education, training, professional registration, or experience.
4. Performed work requiring certification at a job site without having proof of certification.
5. Permitted the duplication or use of the person's own certificate by another.
6. Performed work for which certification is required, but for which appropriate certification has not been received.
7. Failed to comply with the appropriate work practice standards for lead-based paint activities as specified in 391-3-24-.06.
8. Failed to comply with Federal, State, or local lead-based paint statutes or regulations.
9. Performed work requiring certification at a job site with persons who are not certified.
10. Misrepresented facts in a lead firm's letter of application.
11. Failed to maintain required records.

(b) When certification of a person or lead firm is revoked, the person or lead firm shall not be eligible for recertification for a period of five (5) years from the date of revocation.

Authority O.C.G.A. Sec. 31-41-1 et seq. **History.** Original Rule entitled "Certification Requirements and Application Procedures for Individuals and Firms" adopted. F. June 28, 1996; eff. July 18, 1996. **Repealed:** New Rule entitled "Certification Requirements and Application Procedures for Persons and Firms" adopted. F. June 26, 1998; eff. July 16, 1998. **Amended:** F. June 27, 2002; eff. July 17, 2002.

**391-3-24-.06 Standards for Conducting Lead-Based Paint Activities for ~~Target Housing and Child-Occupied Facilities.~~**

(1) Scope.

(a) When performing any lead-based paint activities, a certified person must perform that activity in compliance with the requirements specified in this section.

(b) Persons performing lead-based paint activities shall work for a certified lead firm.

(c) No person or firm shall engage in a lead-based paint abatement project prior to notifying the Division and receiving a notice to proceed from the Division.

(d) For each inspection, risk assessment, or lead hazard screen conducted, the lead inspector or lead risk assessor shall submit an inspection report or risk assessment report to the party for which services are rendered, and the Division, if requested. The report shall be submitted within thirty (30) days of the activity.

(2) Inspection.

(a) An inspection shall be conducted only by a person certified by the Division as a lead inspector and/or a combined inspector/risk assessor. ~~if conducted,~~ The inspection must be conducted according to the procedures in this section.

(b) When conducting an inspection, the following locations shall be selected according to documented methodologies and tested for the presence of lead-based paint:

1. In a residential dwelling and child-occupied facility, each interior component with a distinct painting history and each exterior component with a distinct painting history shall be tested for lead-based paint, except those components that the lead inspector or lead risk assessor determines to have been replaced after 1978, or to not contain ~~leadbased~~ lead-based paint; and

2. In a multi-family dwelling or child-occupied facility, each component with a distinct painting history in every common area, except those components that the lead inspector or lead risk assessor determines to have been replaced after 1978, or to not contain lead-based paint.

(c) Paint shall be sampled in the following manner:

1. The analysis of paint to determine the presence of lead shall be conducted using documented methodologies, which incorporate adequate quality control procedures; and/or

2. All collected paint chip samples shall be analyzed according to paragraph (6) of this section to determine if they contain detectable levels of lead that can be quantified numerically.

(d) The certified lead inspector or lead risk assessor shall prepare an inspection report, which shall include the following information:

1. Date of each inspection.

2. Address of building.

3. Date of construction.

4. Apartment numbers (if applicable).

5. Name, address, and telephone number of the owner or owners of each residential dwelling or child-occupied facility.

6. Name, signature, and certification number of each certified inspector and/or risk assessor conducting testing.
7. Name, address, and telephone number of the certified lead firm employing each inspector and/or risk assessor, if applicable.
8. Each testing method and device and/or sampling procedure employed for paint analysis, including quality control data and, if used, the serial number of any x-ray fluorescence (XRF) device.
9. Specific locations of each painted component tested for the presence of lead-based paint.
10. The results of the inspection expressed in terms appropriate to the sampling method used.

(3) Lead Hazard Screen.

(a) A lead hazard screen shall be conducted only by a person certified by the Division as lead risk assessor.

(b) If conducted, a lead hazard screen shall be conducted as follows:

1. Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to one or more children age six (6) years and under shall be collected.

2. A visual inspection of the residential dwelling or child-occupied facility shall be conducted to:

- (i) Determine if any deteriorated paint is present, and

- (ii) Locate at least two dust sampling locations.

3. If deteriorated paint is present, each surface with deteriorated paint, which is determined, using documented methodologies, to be in poor condition and to have a distinct painting history, shall be tested for the presence of lead.

4. In residential dwellings, at least two dust samples shall be collected, one from a floor and the other from a window, in rooms, hallways or stairwells where one or more children, age six (6) and under, are most likely to come in contact with dust.

5. In multi-family dwellings and child-occupied facilities, in addition to the floor and window samples required in paragraph (3)(b)4. of this section, the lead risk assessor shall collect dust samples from common areas where one or more children, age six (6) and under, are most likely to come into contact with dust.

(c) Dust samples shall be collected and analyzed in the following manner:

1. All dust samples shall be taken using documented methodologies that incorporate adequate quality control procedures.

2. All collected dust samples shall be analyzed according to paragraph (6) of this section to determine if they contain detectable levels of lead that can be quantified numerically.

(d) Paint shall be sampled in the following manner:

1. The analysis of paint to determine the presence of lead shall be conducted using documented methodologies which incorporate adequate quality control procedures; and/or

2. All collected paint chip samples shall be analyzed according to paragraph (6) of this section to determine if they contain detectable levels of lead that can be quantified numerically.

(e) The lead risk assessor shall prepare a lead hazard screen report, which shall include, but not be limited to, the following information.

1. The information required in a risk assessment report as specified in paragraph (4) of this section, including any background information collected pursuant to paragraph (b)1 of this section shall be included in the risk assessment report; and

2. Recommendations, if warranted, for a follow-up risk assessment and, as appropriate, any further actions.

(4) Risk Assessment.

(a) A risk assessment shall be conducted only by a person certified by the Division as a lead risk assessor and, if conducted, must be conducted according to the procedures in this section:

(b) A visual inspection for risk assessment of the residential dwelling or child-occupied facility shall be undertaken to locate the existence of deteriorated paint, assess the extent and causes of the deterioration, and other potential sources of lead-based paint hazards.

(c) Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause a lead-based paint exposure to one or more children age six (6) years and under shall be collected.

(d) The following surfaces, which are determined, using documented methodologies, to have a distinct painting history, shall be tested for the presence of lead.

1. Each friction surface or impact surface with visibly deteriorated paint; and

2. All other surfaces with visibly deteriorated paint.

(e) In residential dwellings, dust samples (single-surface samples) from the interior window sill(s) and floor shall be collected in all living areas where one or more children age six (6) and under are most likely to come into contact with dust.

(f) For multi-family dwellings and child-occupied facilities, the samples required in paragraph (4)(d) of this section shall be taken. In addition, interior window sill and floor dust samples (single-surface samples) shall be collected in the following locations:

1. Common areas adjacent to the sampled residential dwelling or child-occupied facility, and

2. Other common areas in the building where the lead risk assessor determines that one or more children age six (6) years and under, are likely to come into contact with dust.

(g) For child-occupied facilities, window and floor dust samples (single-surface samples) shall be collected in each room, hallway or stairwell utilized by one or more children, age six (6) and under, and in other common areas in the child-occupied facility where the lead risk assessor determines one or more children, age six (6) and under, are likely to come into contact with dust.

(h) Soil samples shall be collected and analyzed for lead concentrations in the following locations:

1. Exterior play areas where bare soil is present.
2. Dripline/ foundation areas where bare soil is present.
3. The rest of the yard (i.e., non-play areas) where bare soil is present.

(i) Any paint, dust or soil samples shall be taken using documented methodologies that incorporate adequate quality control procedures.

(j) Any collected paint chip, dust, or soil samples shall be analyzed according to paragraph (6) of this section to determine if they contain detectable levels of lead that can be quantified numerically.

(k) The lead risk assessor shall prepare a risk assessment report which shall include the following information:

1. Date of assessment.
2. Address of each building.
3. Date of construction of buildings.
4. Apartment number (if applicable).
5. Name, address, and telephone number of each owner of each building.
6. Name, signature, and certification of the lead risk assessor conducting the assessment.
7. Name, address, and telephone number of the lead firm employing each lead risk assessor.
8. Name, address, and telephone number of each recognized laboratory conducting analysis of collected samples.
9. Results of the visual inspection.
10. Testing method and sampling procedure for paint analysis employed.
11. Specific locations of each painted component tested for the presence of lead.

12. All data collected from on-site testing, including quality control data and, if used, the serial number of any XRF device.
13. All results of laboratory analysis on collected paint, soil, and dust samples.
14. Any other sampling results.
15. Any background information collected pursuant to paragraph (4)(c) of this section.
16. To the extent that they are used as part of the lead-based paint hazard determination, the results of any previous inspections or analyses for the presence of lead-based paint, or other assessments of lead-based paint-related hazards.
17. A description of the location, type, and severity of identified lead-based paint hazards and any other potential lead hazards.
18. A description of interim controls and/or abatement options for each identified lead-based paint hazard and a suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure.

(5) Abatement.

- (a) An abatement shall be conducted only by a person certified by the Division and shall be conducted in accordance with the procedures and requirements specified in this section.
- (b) A lead supervisor is required for each abatement project and shall be on-site at all times when abatement is being conducted. This would include preparation, cleanup, disposal and testing activities associated with such measures.
- (c) All abatement shall be conducted in accordance with the requirements of this section.
- (d) Notification for a lead-based paint abatement project in a residential dwelling, child-occupied facility, or multi-family dwelling shall be made on forms supplied by the Division and submitted to the Division fifteen (15) calendar days prior to the start date of the lead-based paint abatement project.
- (e) Abatement shall not commence until the Division has provided a notice to proceed in accordance with paragraph (11) of this section.
- (f) A written occupant protection plan shall be developed for all abatement projects and shall be prepared according to the following procedures:
  1. The occupant protection plan shall be unique to each residential dwelling, multi-family dwelling or child-occupied facility and developed prior to the abatement. The occupant protection plan shall describe the measures and management procedures that will be taken during the abatement to protect the building occupants from exposure to any lead-based paint hazards.
  2. A certified lead supervisor or certified lead project designer shall prepare the occupant protection plan.
- (g) The work practices listed below shall be restricted during an abatement as follows:

1. Open-flame burning or torching of lead-based paint is prohibited;
2. Machine sanding or grinding or abrasive blasting or sandblasting of lead-based paint is prohibited unless used with High Efficiency Particulate Air (HEPA) exhaust control capable of removing particles of 0.3 microns or larger from air at 99.97 percent or greater efficiency;
3. Operating a heat gun on lead-based paint is permitted only at a temperature below 1100 degrees Fahrenheit; and
4. Dry scraping of lead-based paint is permitted only in conjunction with heat guns or around electrical outlets or when treating defective painting spots no more than two (2) square feet in any one room, hallway or stairwell or totaling no more than twenty (20) square feet on exterior surfaces.

(h) If conducted, soil abatement shall be conducted in one of the following ways:

1. If soil is removed, the lead-contaminated soil shall be replaced with soil with a lead concentration less than 400 parts per million or background concentration of lead, whichever is lower; or
2. If soil is not removed, the lead-contaminated soil shall be permanently covered as defined in TSCA § 745.223.
3. If soil is removed, it shall not be used as top soil at another site ~~residential property or child-occupied facility~~.

(i) The following post-abatement clearance procedures shall be performed only by a lead inspector or lead risk assessor:

1. Following an abatement, a visual inspection shall be performed to determine if deteriorated painted surfaces and/or visible amounts of dust, debris or residue are still present. If deteriorated painted surfaces or visible amounts of dust, debris or residue are present, these conditions must be eliminated prior to the continuation of the clearance procedures.
2. Following the visual inspection and any post-abatement cleanup required by paragraph (5)(i)1. of this section, clearance sampling for lead-contaminated dust shall be conducted. Clearance sampling may be conducted by employing single-surface sampling techniques.
3. Dust samples for clearance purposes shall be taken using documented methodologies that incorporate adequate quality control procedures. Dust samples for clearance purposes shall be taken a minimum of one (1) hour after completion of final post-abatement cleanup activities.
4. The following post-abatement clearance activities shall be conducted based upon the extent or manner of abatement activities conducted in or to the residential dwelling or child-occupied facility:
  - (i) After conducting an interior abatement with containment between abated and unabated areas, one (1) dust sample shall be taken from one (1) interior window sill and from one (1) window trough (if available) and one dust sample shall be taken from the floors of each of no less than four (4) rooms, hallways or stairwells within the containment area. In addition, one (1) dust

sample shall be taken from the floor outside the containment area. If there are less than four (4) rooms, hallways or stairwells within the containment area, then all rooms, hallways or stairwells shall be sampled.

(ii) After conducting an interior abatement with no containment, two (2) dust samples shall be taken from no less than four (4) rooms, hallways or stairwells in the residential dwelling or child-occupied facility. One (1) dust sample shall be taken from one (1) window (if available) and one (1) dust sample shall be taken from one (1) interior window sill and window trough (if present) and one (1) dust sample shall be taken from the floor of each room, hallway or stairwell selected. If there are less than four (4) rooms, hallways or stairwells within the residential dwelling or child-occupied facility, then all rooms, hallways or stairwells shall be sampled.

(iii) Following an exterior paint abatement, a visible inspection shall be conducted. All horizontal surfaces in the outdoor living area closest to the abated surface shall be found to be cleaned of visible dust and debris. In addition, a visual inspection shall be conducted to determine the presence of paint chips on the dripline or next to the foundation below any exterior surface abated. If paint chips are present, they must be removed from the site and properly disposed of in accordance with applicable standards set forth by the Division, and in compliance with all federal, state and local requirements. Clearance wipe samples must be collected from the exterior floors and concrete involved with the abatement project.

5. The rooms, hallways or stairwells selected for sampling shall be selected according to documented methodologies.

6. The lead inspector or risk assessor shall compare the residual lead dust level (as determined by the laboratory analysis) from each dust sample with applicable clearance levels for lead in dust on floors, concrete, windowsills, and windows window troughs as found in 391-3-24-.07. If the residual dust levels in a dust sample exceed the clearance levels, all the components represented by the failed sample shall be ~~re-cleaned~~ re-cleaned and retested until clearance levels are met.

(j) In a multi-family dwelling with similarly constructed and maintained residential dwellings, random sampling for the purposes of clearance may be conducted provided:

1. The certified persons who abate or clean the residential dwelling do not know which residential dwellings will be selected for the random sample.

2. A sufficient number of residential dwellings are selected for dust sampling to provide a ninety-five percent (95%) level of confidence that no more than 5 percent (5%) or 50 of the residential dwellings (whichever is smaller) in the randomly sampled population exceed the appropriate clearance levels.

3. The randomly selected residential dwellings shall be sampled and evaluated for clearance according to the procedures found in paragraph (5)(i) of this section.

(k) An abatement project completion notification shall be prepared by a lead supervisor or lead project designer. The notification shall be prepared on forms supplied by the Division and shall include, but not be limited to, the following information:

1. Start and completion dates of abatement.

2. The name and address of each lead firm conducting the abatement and the name of each lead supervisor assigned to the abatement project.
3. The name and title of the lead supervisor or lead project designer who prepared the occupant protection plan pursuant to paragraph (5)(f) of this section.
4. The name, address, signature, and lead firm of each lead risk assessor or lead inspector conducting clearance sampling and the date of clearance testing.
5. The results of clearance testing and all soil analyses (if applicable) and the name of each recognized laboratory that conducted the analyses.
6. A detailed written description of the abatement, including abatement methods used, locations of rooms and/or components where abatement occurred, reason for selecting particular abatement methods for each component, and any monitoring of encapsulants or enclosures.

(l) Abatement project completion notifications shall be submitted to the Division no later than thirty (30) working days after the completion date of lead-based paint abatement project.

(6) Collection and Laboratory Analysis of Samples.

(a) Any paint chip, dust, or soil samples collected pursuant to the work practice standards contained in this section shall be:

1. Collected by persons certified by the Division as a lead inspector or lead risk assessor; and
2. Analyzed by a laboratory recognized by the EPA pursuant to section 405(b) of TSCA as being capable of performing analyses for lead compounds in paint chip, dust, and soil samples.

(7) A paint-lead hazard is present:

- (a) On any friction surface that is subject to abrasion and where the lead dust levels on the nearest horizontal surface underneath the friction surface (e.g., the window sill or floor) are equal to or greater than the dust hazard levels identified in 391-3-24-.07;
- (b) On any chewable lead-based paint surface on which there is evidence of teeth marks;
- (c) Where there is any damaged or otherwise deteriorated lead-based paint on an impact surface that is caused by impact from a related building component (such as a door knob that knocks into a wall or a door that knocks against its door frame); and
- (d) If there is any other deteriorated lead-based paint in any residential building or child-occupied facility or on the exterior of any residential building or child-occupied facility.

(8) A dust-lead hazard is present in a residential dwelling or child-occupied facility:

(a) ~~In a residential dwelling on~~ On floors and interior window sills when the weighted arithmetic mean lead loading for all single surface of floors and interior window sills are equal to or greater than ~~40  $\mu\text{g}/\text{ft}^2$~~  micrograms per square foot ( $\mu\text{g}/\text{ft}^2$ ) for floors and equal to or greater than 250  $\mu\text{g}/\text{ft}^2$  micrograms per square foot ( $\mu\text{g}/\text{ft}^2$ ) for interior ~~windowsills~~ windowsills respectively;

(b) On floors or interior window sills in an un-sampled residential dwelling in a multi-family dwelling, if a dust-lead hazard is present on floors or interior window sills, respectively, in at least one sampled residential unit on the property; and

(c) On floors or interior window sills in an unsampled common area in a multi-family dwelling or child-occupied facility, if a dust-lead hazard is present on floors or interior window sills, respectively, in at least one sampled common area in the same common area group on the property.

(9) A soil-lead hazard is present:

(a) In a play area when the soil-lead concentration from a composite play area sample of bare soil is equal to or greater than 400 parts per million; or

(b) In the rest of the yard when the arithmetic mean lead concentration from a composite sample (or arithmetic mean of composite samples) of bare soil from the rest of the yard (i.e., non-play areas) for each residential building on a property is equal to or greater than 1,200 parts per million.

(10) Project Fees.

(a) A lead firm or lead supervisor shall submit to the Division a project fee for each lead-based paint abatement project at least fifteen (15) calendar days prior to the start date of each abatement project. Project fees shall be submitted electronically or in the form of a check, or money order and made payable to the Environmental Protection Division - Lead Abatement Fees. Project fees shall be based upon the following formula:

1. \$50 per residential dwelling unit or child-occupied facility plus 2% (.02) of the total value of lead-based paint abatement work covered by the notification. Notifications submitted less than fifteen (15) calendar days prior to the state date, and with Division approval to commencement of lead-based paint abatement activities, are Emergency Notifications and must include an additional \$50 fee.

(11) Lead-Based Paint Abatement Project Notification.

(a) No person shall conduct abatement without a notice to proceed from the Division, except as provided for in paragraph (c)(2) of this section. All abatement activities shall be conducted by certified persons and certified lead firms.

(b) All notifications shall be made on forms provided by the Division. The notification shall include, but not be limited to, the following applicable information:

1. Name, address, contact name, and phone number of the owner and operator of the target housing or child-occupied facility;

2. Name, certification number, address, contact name and phone number of the lead firm;

3. Name, certification number, address, firm, and phone number of the lead inspector and lead risk assessor;

4. Name, certification number, address, firm, and phone number of the lead project designer;

5. Location and street address, including building number or name and floor or room number, city, county, and state of the building where the abatement is taking place;

6. Scheduled start and completion dates of active lead-based paint abatement work including preparation work and cleanup work;
7. Work schedule, including days of the week and hours to be worked;
8. Amount and locations of material to be abated;
9. Method(s) of abatement;
10. Waste transporter, address, contact name, and phone number;
11. Waste disposal site, address, contact name, and phone number;
12. For ordered abatements, the name, title, and authority of the State or local government representative who has ordered the abatement, the date that the order was issued, and the date the abatement was ordered to begin;
13. For emergency abatements, a description of the nature of the emergency and an explanation of how failure to correct the situation would cause a lead-based paint hazard;
14. Total value of the lead-based paint abatement work covered by the notification;
15. Total number of residential dwelling units and/or child occupied facilities abated; and
16. The original signature and date of the lead firm representative.
17. The person who developed the Occupant Protection Plan for the project.

(c) Notifications for lead-based paint abatement projects shall adhere to the following schedule:

1. Notifications for a lead-based paint abatement project shall be postmarked or delivered to the Division at least fifteen (15) calendar days prior to the scheduled start date;
2. The fifteen (15) calendar day notice may be waived if the abatement project is deemed an emergency lead-based paint abatement project by a lead risk assessor and approved by the Division prior to commencement of lead-based paint abatement activities. A notification involving an emergency lead-based paint abatement project shall be postmarked or hand delivered to the Division by the workday following the request for the emergency abatement project. Notifications for emergency abatement projects shall be submitted along with a letter from the owner or the lead risk assessor explaining the nature of the emergency.

(d) All notifications, both regular and emergency, for lead-based paint abatement shall be accompanied by a project fee in accordance with paragraph (10) of this section. Project fees shall be submitted electronically or in the form of check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees.

(e) Revisions to lead-based paint abatement project notifications shall be made in writing on a form provided by the Division and shall be submitted to the Division for the following:

1. Revision to a start date for a project that will begin after the start date stated in the previous notification shall be received on or before the previously stated start date or previously revised start date;
2. Revision to a start date for a project that will begin before the start date stated in the previous notification or subsequent revisions shall be received at least fifteen (15) calendar days before the new start date;
3. Revision to a completion date that will be extended beyond the completion date stated in the previous notification shall be received by the original completion date or previously revised completion date;
4. Revision to a completion date that will be earlier than the completion date stated in the previous notification or subsequent revision shall be received by the new completion date; and
5. Revisions to notifications other than start or completion dates shall be submitted to the Division prior to initiating the activity which the revision addresses.

(f) The following shall be maintained on site during abatement activities and be immediately made available for review by the Division:

1. A copy of the project notification, notice to proceed and all revisions;
2. The occupant protection plan;
3. A copy of the applicable lead-based paint abatement design, risk assessment and inspection reports; and
4. ~~Certification~~ Certifications cards issued by the Director for all certified persons and firms performing lead-based paint activities.

(g) All abatement shall be conducted in accordance with Rule 391- 3-24-.06.

(h) All abatement shall be conducted under the direct supervision of a certified lead supervisor who shall be on-site at all times when abatement activities are being conducted.

(12) Recordkeeping.

(a) All reports or plans required in this section shall be maintained by the certified lead firm or person who prepared the report for no fewer than three (3) years. The certified lead firm or person shall also provide copies of these reports to the building owner who contracted for its services.

Authority O.C.G.A. Sec. 31-41-1 et seq. **History.** Original Rule entitled “Accreditation and Certification Fees” adopted. F. June 28, 1996; eff. July 18, 1996. **Repealed:** New Rule entitled “Standards for Conducting Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities” adopted. F. June 26, 1998; eff. July 16, 1998. **Amended:** F. June 27, 2002; eff. July 17, 2002.

**391-3-24-.07 Lead Clearance Levels.**

Clearance procedures shall be conducted on all abatement projects by a certified inspector or lead risk assessor after appropriate cleaning has been completed. The following lead clearance levels must be met.

CLEARANCE DUST STANDARDS (Wipe Sampling Only)	
Surface/ Medium	Level ( $\mu\text{g}/\text{ft}^2$ ) (Equal to or less than)
Bare and carpeted floors	40 $\mu\text{g}/\text{ft}^2$
Interior Window Sills	250 $\mu\text{g}/\text{ft}^2$
Window Troughs	400 $\mu\text{g}/\text{ft}^2$
Exterior Concrete	800 $\mu\text{g}/\text{ft}^2$

Authority O.C.G.A. Sec. 31-41-1 et seq. **History.** Original Rule entitled “Standards for Conducting Lead-Based Paint Activities for Target Housing and Child-Occupied Facilities” adopted. F. June 28, 1996; eff. July 18, 1996. **Repealed:** New Rule entitled “Lead Clearance Levels” adopted. F. June 26, 1998; eff. July 16, 1998. **Amended:** F. June 27, 2002; eff. July 17, 2002.

**391-3-24-.08 Repealed.—Information Distribution Requirements Before Conducting Renovation Activities.**

(1) Renovations in dwelling units. No more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must:

(a) Provide the owner of the unit with the pamphlet, and comply with one of the following:

1. Obtain, from the owner, a written acknowledgment that the owner has received the pamphlet, or
2. Obtain a certificate of mailing at least 7 days prior to the renovation.

(b) In addition to the requirements in this section, if the owner does not occupy the dwelling unit, provide an adult occupant of the unit with the pamphlet, and comply with one of the following:

1. Obtain, from the adult occupant, a written acknowledgment that the occupant has received the pamphlet; or certify in writing that a pamphlet has been delivered to the dwelling or that the firm performing the renovation has been unsuccessful in obtaining a written acknowledgment from an adult occupant. Such certification must include the address of the unit undergoing renovation, the date and method of delivery of the pamphlet, names of the persons delivering the pamphlet, reason for lack of acknowledgment (e.g., occupant refuses to sign, no adult occupant available), the signature of a representative of the firm performing the renovation, and the date of signature, or
2. Obtain a certificate of mailing at least 7 days prior to the renovation.

(2) Renovations in common areas. No more than 60 days before beginning renovation activities in common areas of multi-unit target housing, the firm performing the renovation must:

(a) Provide the owner with the pamphlet, and comply with one of the following:

1. Obtain, from the owner, a written acknowledgment that the owner has received the pamphlet, or
2. Obtain a certificate of mailing at least 7 days prior to the renovation.

(b) Comply with one of the following:

1. Notify in writing, or ensure written notification of, each affected unit and make the pamphlet available upon request prior to the start of renovation. Such notification shall be accomplished by distributing written notice to each affected unit. The notice shall describe the general nature and locations of the planned renovation activities; the expected starting and ending dates; and a statement of how the occupant can obtain the pamphlet and a copy of the records required by Rule 391-3-24-.11 at no cost to the occupants, or

2. While the renovation is ongoing, post informational signs describing the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they are likely to be seen by the occupants of all of the affected units. The signs must be accompanied by a posted copy of the pamphlet or information on how interested occupants can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to occupants. The signs must also include information on how interested occupants can review a copy of the records required by Rule 391-3-24-.11 or obtain a copy from the renovation firm at no cost to the occupants.

(c) Prepare, sign, and date a statement describing the steps performed to notify all occupants of the intended renovation activities and to provide the pamphlet.

(d) If the scope, locations, or expected starting and ending dates of the planned renovation activities change after the initial notification, and the firm provided written initial notification to each affected unit, the firm performing the renovation must provide further written notification to the owners and occupants providing revised information on the ongoing or planned activities. This subsequent notification must be provided before the firm performing the renovation initiates work beyond that which was described in the original notice.

(3) Renovations in child-occupied facilities. No more than 60 days before beginning renovation activities in any child-occupied facility, the firm performing the renovation must:

(a) Provide the owner of the building with the pamphlet, and comply with one of the following:

1. Obtain, from the owner, a written acknowledgment that the owner has received the pamphlet; or

2. Obtain a certificate of mailing at least 7 days prior to the renovation.

(b) If the owner of the child-occupied facility is not the operator or manager of the building, provide the operator, manager or management representative of the child-occupied facility with the pamphlet, and comply with one of the following:

1. Obtain, from the manager or management representative, a written acknowledgment that the manager or management representative has received the pamphlet; or certify in writing that a pamphlet has been delivered to the facility and that the firm performing the renovation has been unsuccessful in obtaining a written acknowledgment from an adult representative. Such certification must include the address of the child-occupied facility undergoing renovation, the date and method of delivery of the pamphlet, names of the persons delivering the pamphlet, reason for lack of acknowledgment (e.g., representative refuses to sign), the signature of a representative of the firm performing the renovation, and the date of signature; or

2. Obtain a certificate of mailing at least 7 days prior to the renovation.

(c) Provide the parents and guardians of children using the child-occupied facility with the pamphlet, information describing the general nature and locations of the renovation and the anticipated completion date, and information on how interested parents or guardians of children frequenting the child-occupied facility can review a copy of the records required by Rule 391-3-24-.11 or obtain a copy from the renovation firm at no cost to the occupants by complying with one of the following:

1. Mail or hand-deliver the pamphlet and the renovation information to each parent or guardian of a child using the child-occupied facility; or

2. While the renovation is ongoing, post informational signs describing the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they can be seen by the parents or guardians of the children frequenting the child-occupied facility. The signs must be accompanied by a posted copy of the pamphlet or information on how interested parents or guardians of children frequenting the child-occupied facility can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to the parents or guardians. The signs must also include information on how interested parents or guardians of children frequenting the child-occupied facility can review a copy of the records required by Rule 391-3-24-.11 or obtain a copy from the renovation firm at no cost to the parents or guardians.

(d) The renovation firm must prepare, sign, and date a statement describing the steps performed to notify all parents and guardians of the intended renovation activities and to provide the pamphlet.

(4) Written acknowledgment. The written acknowledgments required in this Section must:

(a) Include a statement recording the owner or occupant's name and acknowledging receipt of the pamphlet prior to the start of renovation, the address of the unit undergoing renovation, the signature of the owner or occupant as applicable, and the date of signature.

(b) Be either a separate sheet or part of any written contract or service agreement for the renovation.

(c) Be written in the same language as the text of the contract or agreement for the renovation or, in the case of non-owner occupied target housing, in the same language as the lease or rental agreement or the pamphlet.

Authority O.C.G.A. Sec. 31-41-1 et seq. **History.** Original Rule entitled "Lead Clearance Levels" adopted. F. June 28, 1996; eff. July 18, 1996. **Repealed:** F. June 26, 1998; eff. July 16, 1998.

### **391-3-24-.09 Certification of Persons and Firms Conducting Renovation Activities.**

(1) Scope.

(a) Following the submission of an application demonstrating that all the requirements of this Rule are met and a determination by the Division that a person has met all applicable requirements to perform the appropriate renovation activities, the Division shall certify the applicant as a renovator or dust sampling technician.

(b) All certified persons shall be assigned a certification number and issued a certificate by the Division.

(c) All certified renovation firms shall be assigned a certification number and issued a certificate by the Division.

(d) All individuals performing renovation activities on behalf of the certified renovation firm shall be either a certified dust sampling technician, a certified renovator or have been trained by a certified renovator when performing renovation activities and shall comply with the standards for performing such renovations or dust sampling activities as established in Rule 391-3-24-.08 through Rule 391-3-24-.11.

(e) All certifications shall expire based on the issue date or based on the last date of attending required training as specified in (2)(a) through (2)(c) of this Rule. Work performed after expiration of the certificate and prior to renewal shall constitute a violation of this Rule.

(f) No person or renovation firm shall conduct or offer to conduct renovation activities described in this section if that person or renovation firm does not have the appropriate certification by the Division pursuant to the requirements specified in this Rule and the person or renovation firm does not have in their possession a Division issued certificate.

(g) In order to maintain certification as a person or renovation firm, applicants must follow the requirements specified in paragraph (3) of this Rule.

(h) A person who is employed by and in the process of conducting renovation activities-for a federal, state or local government agency shall not be required to pay certification fees as specified in this section.

(i) Persons requesting a duplication of their certificate shall submit a fee in the amount of \$25.00 electronically or in the form of a check, money order and made payable to the Environmental Protection Division – Lead Renovation Fees.

(2) Application Process. The following are procedures and requirements an applicant must meet when applying to the Division for certification:

(a) Certification of Renovation Firms.

1. All firms, which perform or offer to perform, any of the renovation activities described in Rule 391-3-24-.10 must have certification from the Division.

2. A firm seeking certification, as a Renovation Firm must:

(i) Submit a completed certification application on forms supplied by the Division certifying that the firm shall:

(I) Ensure that all individuals performing renovation activities on behalf of the certified renovation firm are either a certified dust sampling technician, a certified renovator or have been trained by a certified renovator when performing renovation activities and shall comply with the standards for performing such renovations and/or dust sampling activities;

(II) Follow the pre-notification education activity standards in Rule 391-3-24-.08.

(III) Follow the standards for conducting renovation activities in Rule 391-3-24-.10, and

(IV) Maintain all records required in Rule 391-3-24-.11.

(ii) Submit a disclosure statement of any action taken by EPA or an EPA authorized program involving violations, suspensions, revocations or modifications of a firm's activities; and

(iii) Submit a fee either in the amount of \$300.00 for a three (3) year certification or \$125.00 for a one (1) year certification. Fees shall be submitted electronically or in the form of a check or money order and made payable to the Environmental Protection Division – Lead Renovation Fees.

(iv) Federal, State, county or city government agencies which conduct renovation activities are exempt from the renovation firm certification.

3. The renovation firm certification issued by the Division is valid either for a period of three (3) years or one (1) year from the date of issuance based on the amount of fees submitted as specified in this Rule.

(b) Certification of Renovators.

1. To become certified as a renovator, a person must:

(i) Successfully complete an initial renovator training course and receive an initial course completion certificate from a Division accredited training program;

(ii) Successfully pass the initial renovator training course exam.

(iii) Submit a completed certification application on forms provided by the Division with all appropriate information included. This would also include original signature and date.

(iv) Submit an original initial renovator course completion training certificate or an original letter from the accredited training program confirming completion of the initial renovator training course on the accredited training program letterhead. Original documents shall be returned upon issuance or denial of certification by the Division;

(v) Submit one (1) current 1 1/4 inch x 1 1/4 inch color passport photograph of the applicant with the applicant's name and original signature on the back of the picture; and

(vi) Submit a fee in the amount of \$150.00 electronically or in the form of a check or money order and made payable to the Environmental Protection Division – Lead Renovation Fees.

(vii) Persons, employed by a federal, state, county or city government agency, who conduct renovations for the government agency are exempt from the renovator certification fee.

2. The renovator certification issued by the Division allows the certified individual to perform renovations covered by this Rule 391-3-24-.09 through 391-3-24-.11 and is valid for a period of three (3) years from the date of issuance.

(c) Certification of Dust Sampling Technicians.

1. To become certified as a dust sampling technician, a person must:

(i) Successfully complete an initial dust sampling technician course and receive an initial course completion certificate from a Division accredited training program;

(ii) Successfully pass an initial dust sampling technician course exam;

(iii) Submit a completed certification application on forms provided by the Division with all appropriate information included. This would also include original signature and date;

(iv) Submit an original initial dust sampling technician course completion training certificate or an original letter from the accredited training program confirming completion of the initial dust sampling technician training course on the accredited training program letterhead. Original documents shall be returned upon issuance or denial of certification by the Division;

(v) Submit one (1) current 1 1/4 inch x 1 1/4 inch color passport photograph of the applicant with the applicant's name and original signature on the back of the picture; and

(vi) Submit a fee in the amount of \$150.00 electronically or in the form of a check or money order and made payable to the Environmental Protection Division – Lead Renovation Fees for a one-year certification or submit a fee in the amount of \$276.00 for a two-year certification.

(vii) Persons, employed by a federal, state, county or city government agency, who conducts dust sampling for the government agency are exempt from the dust sampling certification fee.

2. The dust sampling technician certification issued by the Division allows the certified individual to perform dust sampling activities covered by Rule 391-3-24-.10 and is valid for a period of one (1) year from the date of issuance.

(3) Renewal of Certification.

(a) After certified persons demonstrate that all of the requirements of this section are met and the Division determines that an applicant has met all the requirements set forth in this section, the Division shall renew certification of a person as a renovator or dust sampling technician.

(b) Renewal of certified renovators

1. Certified renovators meeting the requirements of this section shall be renewed for a period of thirty-six (36) months from the expiration date of certification or thirty-six (36) months from the last date of completing a Division accepted renovation course, whichever is earlier.

2. Certified Renovators holding a certificate from an U.S. EPA accredited training provider issued before the effective date of this Rule shall be recognized by the Division and the renovator certification shall be valid for a period of five (5)

years from the date of issuance. At least thirty (30) days before the expiration of the U.S. EPA renovator certification, the renovator shall submit a renewal application on forms provided by the Division and pay the fees as required in paragraph (3) of this Rule.

3. Persons seeking renewal of certification, as a renovator shall:

(i) Submit a completed renewal application to the Division on forms provided or approved by the Division with all the appropriate information included and signed by the applicant.

(ii) Successfully complete a refresher renovator training course and receive a refresher course completion certificate from a Division accredited training program within thirty-six (36) months from the last date of training.

Persons that do not successfully complete the renovator refresher course within thirty-six (36) months from the last date of training may obtain provisional certification for twelve (12) months by payment of a fee two (2) times the certification fee.

Persons that do not successfully complete the refresher renovator course and receive a certificate of completion by the forty-eighth (48) month from the last date of training, shall successfully complete the initial renovator training course for renewal of certification.

(iii) Submit an original refresher renovator course completion certificate for renewal or an original letter from the accredited training program confirming completion of the renovator training course on the accredited training program letterhead.

(iv) Submit one (1) current 1 ¼ inch × 1 1/4 inch color passport photograph of the applicant with the applicant's name and original signature on the back of the photograph.

(v) Submit a fee in the amount of \$150.00. Fees shall be submitted electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Renovation Fees.

(c) Renewal of certified dust sampling technicians

1. Certified dust sampling technicians meeting the requirements of this section shall be renewed for a period of twelve (12) months from the expiration date of certification or twenty-four (24) months from the last date of completing a Division accepted dust sampling technician course, whichever is earlier.

2. Certified dust sampling technicians holding a certificate from an U.S. EPA accredited training provider issued before the effective date of this Rule shall be recognized by the Division and the renovator certification shall be valid for a period of five (5) years from the date of the issuance of the certification. At least thirty (30) days before the expiration of the dust sampling technician certification, the dust sampling technician shall submit a renewal application on forms provided by the Division as required in paragraph (3) of this Rule.

3. Persons seeking renewal of certification, as a dust sampling technician shall:
- (i) Submit a completed renewal application to the Division on forms provided or approved by the Division with all the appropriate information included and signed by the applicant.
  
  - (ii) Successfully complete a refresher dust sampling technician course(s) and receive a refresher course completion certificate from an accredited training program within twenty-four (24) months from the last date of training.
- Persons that do not successfully complete the refresher dust sampling technician course within twenty-four (24) months from the last date of training may obtain provisional certification for twelve (12) months by payment of a fee two (2) times the certification fee.
- Persons that do not successfully complete the refresher dust sampling technician course and receive a certificate of completion by the thirty-sixth (36th) month from the last date of training, shall successfully complete the initial said training course for renewal of certification.
- (iii) Submit an original refresher dust sampling technician course completion certificate or an original letter from the accredited training program confirming completion of said training course(s) on the accredited training program letterhead.
  
  - (iv) Submit one (1) current 1 1/4 inch x 1 1/4 inch color passport photograph of the applicant with the applicant's name and original signature on the back of the photograph.
  
  - (v) Submit a fee in the amount of \$150.00 per renewal discipline for a one-year certification or submit \$275.00 for a two-year certification. Fees shall be submitted electronically or in the form of a check or money order and made payable to the Environmental Protection Division – Lead Renovation Fees.

(d) Renewal of renovation firm certification

- 1. Certified renovation firms meeting the requirements of this section shall be renewed either for a period of twelve (12) months from the expiration date of certification or thirty-six (36) months from the expiration date of the certificate. Length of renewal is based on the amount of fees submitted.
  
- 2. Renovation firms holding a certificate from EPA issued before the effective date of this Rule shall be valid for a period of five (5) years from the date of issuance from U.S. EPA. At least thirty (30) days prior to the expiration of the U.S. EPA certification, the renovation firm shall submit a renewal application on forms provided by the Division. A renewal application must be submitted as defined in paragraph (3) of this Rule by the date of the expiration of the EPA renovation firm certificate.
  
- 3. In order for renovation firm certification to be renewed for either a period of twelve (12) months or thirty-six (36) months, the renovation firm shall:
  - (i) Submit a completed renewal application to the Division on forms provided by the Division certifying that the renovation firm shall:

(ii) Ensure that all individuals performing renovation activities on behalf of the certified renovation firm are either a certified dust sampling technician, a certified renovator or have been trained by a certified renovator when performing renovation activities;

(iii) Follow the standards in Rule 391-3-24-.10 for conducting renovations and dust sampling activities;

(iv) Follow the standards in Rule 391-3-24-.08 for pre-notification education requirements; and

(v) Maintain all records pursuant to the requirements in Rule 391-3-24-.11.

4. Submit a disclosure statement of any action(s) taken by the Division, EPA, or an EPA approved program involving violations, suspensions, revocations, or modifications of a renovation firm's activity.

5. Submit a fee in the amount of \$300.00 electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Renovation Fees for a thirty-six (36) month renewal. A renovation firm may submit a fee in the amount of \$125.00 electronically or in the form of a check or money order and made payable to the Environmental Protection Division – Lead Renovation Fees for a twelve (12) month renewal.

(e) Renewal applications shall be postmarked or hand delivered to the Division thirty (30) days prior to the expiration date of certification for each discipline in which certification is sought. Certified persons submitting renewal applications postmarked or hand delivered after the expiration date of certification shall follow the requirements specified in paragraph (3) of this section for certification purposes.

#### (4) Reciprocity.

(a) Each person seeking certification who is licensed, certified or permitted in another state, Tribe or Territory of the United States to perform renovations or dust sampling activities may petition the Division on a form provided by the Division to grant certification without repetition of training requirements. The Division may recognize the certification of a discipline granted by another State, Tribe or Territory with which the Division has a written reciprocal agreement. Any person may apply to have their certification approved by the Division if their certification has been licensed, certified or permitted by another State, Tribe or Territory with which the Division has a written reciprocal agreement.

(b) Persons seeking certification by reciprocity shall also submit to the Division the following:

1. A completed application to the Division on forms provided by the Division with all the appropriate information included and signed by the applicant.

2. A copy of the certification issued by the reciprocating state, tribe or territory.

3. One (1) current 1 1/4 inch x 1 1/4 inch color passport photograph of the applicant with the applicant's name and original signature on the back of the picture.

4. A fee in the amount of \$150.00 for each discipline. Fees shall be submitted electronically or in the form of a check or money order and made payable to the Environmental Protection Division – Lead Renovation Fees.

(5) Suspension, Revocation, and Modification.

(a) The Director may investigate the actions of any certified person or renovation firm and may suspend, revoke or modify the certification of a person or renovation firm in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedures Act," when it is found that the person or renovation firm has:

1. Obtained training documentation through fraudulent means.
2. Gained admission to and completed an accredited training program through misrepresentation of admission requirements.
3. Obtained certification through misrepresentation of certification requirements or related documents dealing with education, training, professional registration, or experience.
4. Performed work requiring certification at a job site without having proof of certification.
5. Permitted the duplication, alteration or use of the person's own certificate by another.
6. Performed work for which certification is required, but for which appropriate certification has not been received.
7. Failed to comply with the appropriate work practice standards for lead-based paint activities as specified in Rule 391-3-24-.10.
8. Failed to comply with Federal, State, or local lead-based paint statutes or regulations.
9. Performed work at a job site with persons who are not certified or trained.
10. Misrepresented facts in a renovation firm's letter of application.
11. Failed to maintain required records.

(b) When certification of a person or renovation firm is revoked, the person or renovation firm shall not be eligible for recertification for a period of five (5) years from the date of revocation.

**391-3-24-.10 Standards for Conducting Renovation Activities.**

(1) Renovator responsibilities. Certified renovators are responsible for ensuring compliance with all renovations to which they are assigned. A certified renovator:

- (a) Must perform all of the tasks described in this Rule and must either perform or direct workers who perform all of the tasks described in this Rule.
- (b) Must provide training to workers on the work practices they will be using in performing their assigned tasks.

(c) Must be physically present at the work site when the signs required by this Rule are being posted, while the work area containment required by this Rule is being established, and while the work area cleaning required by this Rule is being performed.

(d) Must regularly direct work being performed by other individuals to ensure that the work practices are being followed, including maintaining the integrity of the containment barriers and ensuring that dust or debris does not spread beyond the work area.

(e) Must be available, either on-site or by telephone, at all times that renovations are being conducted.

(f) When requested by the party contracting for renovation services, must use an acceptable test kit to determine whether components to be affected by the renovation contain lead-based paint.

(g) Must have with them at the work site, copies of their Division issued renovator certificate.

(h) Must prepare the records required by Rule 391-3-24-.11.

(2) Dust sampling technician responsibilities. When performing optional dust clearance sampling, a certified dust sampling technician:

(a) Must collect dust samples in accordance with Rule 391-3-24-.06, must send the collected samples to a laboratory recognized by EPA under TSCA section 405(b), and must compare the results to the clearance levels in accordance with Rule 391-3-24-.07.

(b) Must have with them at the work site, copies of their Division issued dust sampling technician certificate.

(3) Standards for renovation activities. Renovations must be performed by certified renovation firms using at least one (1) certified renovator while conducting renovations. The responsibilities of certified firms and certified renovators are set forth in Rule 391-3-24-.10.

(a) Occupant protection. Firms must post signs clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside of the work area. To the extent practicable, these signs must be in the primary language of the occupants. These signs must be posted before beginning the renovation and must remain in place and readable until the renovation and the post-renovation cleaning verification has been completed. If warning signs have been posted in accordance with Rule 391-3-24-.08 additional signs are not required by this Section.

(b) Containing the work area. Before beginning the renovation, the firm must isolate the work area so that no dust or debris leaves the work area while the renovation is being performed. In addition, the firm must maintain the integrity of the containment by ensuring that any plastic or other impermeable materials are not torn or displaced, and taking any other steps necessary to ensure that no dust or debris leaves the work area while the renovation is being performed. The firm must also ensure that containment is installed in such a manner that it does not interfere with occupant and worker egress in an emergency.

1. Interior renovations. The firm must:

(i) Remove all objects from the work area, including furniture, rugs, and window coverings, or cover them with plastic sheeting or other impermeable material with all seams and edges taped or otherwise sealed.

(ii) Close and cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material.

(iii) Close windows and doors in the work area. Doors must be covered with plastic sheeting or other impermeable material. Doors used as an entrance to the work area must be covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area.

(iv) Cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

(v) Use precautions to ensure that all personnel, tools, and other items, including the exteriors of containers of waste, are free of dust and debris before leaving the work area.

2. Exterior renovations. The firm must:

(i) Close all doors and windows within 20 feet of the renovation. On multi-story buildings, close all doors and windows within 20 feet of the renovation on the same floor as the renovation, and close all doors and windows on all floors below that are the same horizontal distance from the renovation.

(ii) Ensure that doors within the work area that will be used while the job is being performed are covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area.

(iii) Cover the ground with plastic sheeting or other disposable impermeable material extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground covering.

(iv) In certain situations, the renovation firm must take extra precautions in containing the work area to ensure that dust and debris from the renovation does not contaminate other buildings or other areas of the property or migrate to adjacent properties.

(c) Prohibited and restricted practices. The work practices listed below shall be prohibited or restricted during a renovation as follows:

1. Open-flame burning or torching of lead-based paint is prohibited.

2. The use of machines that disturb lead-based paint through high-speed operation such as sanding, grinding, power planing, needle gun, abrasive blasting, or sandblasting, is prohibited unless such machines are used with HEPA exhaust control.

3. Operating a heat gun on lead-based paint is permitted only at temperatures below 1100 degrees Fahrenheit.

(d) Waste from renovations.

1. Waste from renovation activities must be contained to prevent releases of dust and debris before the waste is removed from the work area for storage or disposal. If a chute is used to remove waste from the work area, it must be covered.

2. At the conclusion of each work day and at the conclusion of the renovation, waste that has been collected from renovation activities must be stored under containment, in an enclosure, or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris.

3. When the firm transports waste from renovation activities, the firm must contain the waste to prevent release of dust and debris.

(e) Cleaning the work area. After the renovation has been completed, the firm must clean the work area until no dust, debris or residue remains.

1. Interior and exterior renovations. The firm must:

(i) Collect all paint chips and debris and, without dispersing any of it, seal this material in a heavy-duty bag, and

(ii) Remove the protective sheeting. Mist the sheeting before folding it, fold the dirty side inward, and either tape shut to seal or seal in heavy-duty bags. Sheeting used to isolate contaminated rooms from non-contaminated rooms must remain in place until after the cleaning and removal of other sheeting. Dispose of the sheeting as waste.

2. Additional cleaning for interior renovations. The firm must clean all objects and surfaces in the work area and within 2 feet of the work area in the following manner, cleaning from higher to lower:

(i) Walls. Clean walls starting at the ceiling and working down to the floor by either vacuuming with a HEPA vacuum or wiping with a damp cloth, and

(ii) Remaining surfaces. Thoroughly vacuum all remaining surfaces and objects in the work area, including furniture and fixtures, with a HEPA vacuum. The HEPA vacuum must be equipped with a beater bar when vacuuming carpets and rugs, and

(iii) Wipe all remaining surfaces and objects in the work area, except for carpeted or upholstered surfaces, with a damp cloth. Mop uncarpeted floors thoroughly, using a mopping method that keeps the wash water separate from the rinse water, such as the 2-bucket mopping method, or using a wet mopping system.

(4) Standards for post-renovation cleaning verification

(a) Interiors.

1. A certified renovator must perform a visual inspection to determine whether dust, debris or residue is still present. If dust, debris or residue is present, these conditions must be removed by re-cleaning and another visual inspection must be performed.

2. After a successful visual inspection, a certified renovator must:

(i) Verify that each windowsill in the work area has been adequately cleaned, using the following procedure.

(1) Wipe the windowsill and window trough with a wet disposable cleaning cloth that is damp to the touch. If the cloth matches or is

lighter than the cleaning verification card, the windowsill and window trough have been adequately cleaned.

(2) If the cloth does not match and is darker than the cleaning verification card, re-clean the windowsill and window trough as directed in this Section, then either use a new cloth or fold the used cloth in such a way that an unused surface is exposed, and wipe the surface again. If the cloth matches or is lighter than the cleaning verification card, the windowsill and window trough have been adequately cleaned.

(3) If the cloth does not match and is darker than the cleaning verification card, wait for 1 hour or until the surface has dried completely, whichever is longer.

(4) After waiting for the windowsill and window trough to dry, wipe the windowsill and window trough with a dry disposable cleaning cloth. After this wipe, the windowsill and window trough have been adequately cleaned.

(ii) Wipe uncarpeted floors and countertops within the work area with a wet disposable cleaning cloth. Floors must be wiped using an application device with a long handle and a head to which the cloth is attached. The cloth must remain damp at all times while it is being used to wipe the surface for post-renovation cleaning verification. If the surface within the work area is greater than 40 square feet, the surface within the work area must be divided into roughly equal sections that are each less than 40 square feet. Wipe each such section separately with a new wet disposable cleaning cloth. If the cloth used to wipe each section of the surface within the work area matches or is lighter than the cleaning verification card, the surface has been adequately cleaned.

(1) If the cloth used to wipe a particular surface section does not match and is darker than the cleaning verification card, re-clean that section of the surface as directed in this Section, then use a new wet disposable cleaning cloth to wipe that section again. If the cloth matches or is lighter than the cleaning verification card, that section of the surface has been adequately cleaned.

(2) If the cloth used to wipe a particular surface section does not match and is darker than the cleaning verification card after the surface has been re-cleaned, wait for 1 hour or until the entire surface within the work area has dried completely, whichever is longer.

(3) After waiting for the entire surface within the work area to dry, wipe each section of the surface that has not yet achieved post-renovation cleaning verification with a dry disposable cleaning cloth. After this wipe, that section of the surface has been adequately cleaned.

3. When the work area passes the post-renovation cleaning verification, remove the warning signs.

(b) Exteriors. A certified renovator must perform a visual inspection to determine whether dust, debris or residue is still present on surfaces in and below the work area, including windowsills and the ground. If dust, debris or residue is present, these conditions must be eliminated and another visual inspection must be performed. When the area passes the visual inspection, remove the warning signs.

(5) Optional dust clearance testing. Cleaning verification need not be performed if the contract between the renovation firm and the person contracting for the renovation or another Federal, State, Territorial, Tribal, or local law or regulation requires:

(a) The renovation firm to perform dust clearance sampling at the conclusion of a renovation covered by this subpart.

(b) The dust clearance samples are required to be collected by a certified inspector, risk assessor or dust sampling technician.

(c) The renovation firm is required to re-clean the work area until the dust clearance sample results are below the clearance standards in Rule 391-3-24-.07.

(6) Activities conducted after post-renovation cleaning verification. Activities that do not disturb lead-based paint, such as applying paint to walls that have already been prepared, are not regulated by this subpart if they are conducted after post-renovation cleaning verification has been performed.

### **391-3-24-.11 Recordkeeping and Reporting Requirements for Renovation Activities.**

(1) Firms performing renovations must retain and, if requested, make available to the Division all records necessary to demonstrate compliance with this section for a period of three (3) years following completion of the renovation. This three (3) year retention requirement does not supersede longer obligations required by other provisions for retaining the same documentation, including any applicable federal, State or Tribal laws or regulations.

(2) Records that must be retained pursuant to this Section shall include (where applicable):

(a) Records or reports certifying that a determination had been made that lead-based paint was not present on the components affected by the renovation, as described in this rule. These records or reports include:

1. Reports prepared by a certified inspector or certified risk assessor.

2. Records prepared by a certified renovator after using EPA-recognized test kits, including an identification of the manufacturer and model of any test kits used, a description of the components that were tested including their locations, and the result of each test kit used.

(b) Signed and dated acknowledgments of receipt of pre-renovation notification records as described in Rule 391-3-24-.08.

(c) Certifications of attempted delivery as described in Rule 391-3-24-.08.

(d) Certificates of mailing as described in Rule 391-3-24-.08.

(e) Records of notification activities performed regarding common area renovations and renovations in child-occupied facilities, as described in Rule 391-3-24-.08.

(f) Documentation of compliance with the requirements of Rule 391-3-24-.10, including documentation that a certified renovator was assigned to the project, that the certified renovator provided on-the-job training for workers used on the project, that the certified renovator performed or directed workers who performed all of the tasks described in Rule 391-3-24-.10, and that the certified renovator performed the post-renovation cleaning verification described in Rule 391-3-24-.10. If the renovation firm was unable to comply with all of the requirements of this rule due to an emergency as defined in Rule 391-3-24-.10, the firm must document the nature of the emergency and the provisions of the rule that were not followed. This documentation must include a copy of the certified renovator's training certificate, and a certification by the certified renovator assigned to the project that:

1. Training was provided to workers (topics must be identified for each worker).

2. Warning signs were posted at the entrances to the work area.

3. If test kits were used, that the specified brand of kits was used at the specified locations and that the results were as specified.

4. The work area was contained by:

(i) Removing or covering all objects in the work area (interiors).

(ii) Closing and covering all HVAC ducts in the work area (interiors).

(iii) Closing all windows in the work area (interiors) or closing all windows in and within 20 feet of the work area (exteriors).

(iv) Closing and sealing all doors in the work area (interiors) or closing and sealing all doors in and within 20 feet of the work area (exteriors).

(v) Covering doors in the work area that were being used to allow passage but prevent spread of dust and debris outside the work area.

(vi) Covering the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater (interiors) or covering the ground with plastic sheeting or other disposable impermeable material anchored to the building extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground covering, weighted down by heavy objects (exteriors).

(vii) Installing (if necessary) vertical containment to prevent migration of dust and debris to adjacent property (exteriors).

5. Waste was contained on-site and remained contained while being transported off-site.

6. The work area was properly cleaned after the renovation by:

(i) Picking up all chips and debris, misting protective sheeting, folding it dirty side inward, and taping it and placing it in a sealed-secured container for removal.

(ii) Cleaning the work area surfaces and objects using a HEPA vacuum and/or wet cloths or mops (interiors).

7. The certified renovator performed the post-renovation cleaning verification (the results of which must be briefly described, including the number of wet and dry cloths used).

(3) When the final invoice for the renovation is delivered or within 30 days of the completion of the renovation, whichever is earlier, the renovation firm must provide information pertaining to compliance with this subpart to the following persons:

(a) The owner of the building; and, if different,

(b) An adult occupant of the residential dwelling, if the renovation took place within a residential dwelling, or an adult representative of the child-occupied facility, if the renovation took place within a child-occupied facility.

(4) When performing renovations in common areas of multi-unit target housing, renovation firms must post the information required by this subpart or instructions on how interested occupants can obtain a copy of this information. This information must be posted in areas where it is likely to be seen by the occupants of all of the affected units.

(5) The information, required to be provided in this section, may be provided by completing the sample form titled "Sample Renovation Recordkeeping Checklist" or a similar form containing the test kit information, and the training and work practice compliance information required by this Rule.

(6) If dust clearance sampling is performed in lieu of cleaning verification as permitted by Rule 391-3-24-.10, the renovation firm must provide, when the final invoice for the renovation is delivered or within 30 days of the completion of the renovation, whichever is earlier, a copy of the dust sampling report to:

(a) The owner of the building; and, if different,

(b) An adult occupant of the residential dwelling, if the renovation took place within a residential dwelling, or an adult representative of the child-occupied facility, if the renovation took place within a child-occupied facility.

(c) When performing renovations in common areas of multi-unit target housing, renovation firms must post these dust sampling reports or information on how interested occupants of the housing being renovated can obtain a copy of the report. This information must be posted in areas where they are likely to be seen by the occupants of all of the affected units.

### **391-3-24-.12 Lead-Based Paint Hazard Management Program Fees.**

(1) Persons, individuals and firms who must pay fees. Fees in accordance with this Rule must be paid by:

(a) Training programs.

1. All training providers applying to the Division for the accreditation and re-accreditation of training programs in one or more of the following disciplines: lead

supervisor, lead inspector, lead risk assessor, lead project designer, lead work, renovator, or dust sampling technician.

2. All training providers applying for reciprocity as allowed in 391-3-24-.04 of this Rule.

(b) Firms. All lead and renovation firms applying to the Division for certification and re-certification to conduct renovations and lead-based paint activities.

(c) Individuals. All individuals applying to the Division for certification and re-certification to conduct renovations and lead-based paint activities.

(2) Lost or replacement certificate. A \$25 fee will be charged for the replacement of a firm or individual certificate.

(3) The fee schedule for lead-based paint and renovation activities is found in Table 1 of this section.

<b>TABLE 1</b>		
<b><u>Training Provider Accreditation</u></b>	<b><u>Initial Accreditation</u></b>	<b><u>Annual Re-accreditation</u></b>
<b><u>Initial Training Provider Course Accreditation of the following disciplines:</u></b> <u>Lead Supervisor, Lead Inspector, Lead Risk Assessor, Lead Project Designer, Lead Worker, Renovator or Dust Sampling Technician Courses</u>	<u>\$400/ 8 hour day of training</u>	<u>\$300 per course/ year</u>
<b><u>Refresher Training Provider Course Accreditation of the following disciplines:</u></b> <u>Lead Supervisor, Lead Inspector, Lead Risk Assessor, Lead Project Designer, Lead Worker, Renovator or Dust Sampling Technician Course</u>	<u>\$400/ 8 hour day of training</u>	<u>\$300 per course/ year</u>
<b><u>Reciprocity Accreditation of Training Provider courses of the following disciplines:</u></b> <u>Lead Supervisor, Lead Inspector, Lead Risk Assessor, Lead Project Designer, Lead Work, Renovator or Dust Sampling Technical Course</u>	<u>\$300/ 8 hour day of training</u>	<u>\$300/ course/ year</u>
<b><u>Lead Firm Certification</u></b>	<b><u>Initial Certification</u></b>	<b><u>Re-certification</u></b>
<u>Lead Abatement Firm</u>	<u>\$350/ year</u>	<u>\$350/ year</u>
<u>Renovation Firm</u>	<u>\$125 (1-year certification) or \$300 (3-year certification)</u>	<u>\$125/ year or \$300/ 3 years</u>
<b><u>Individual Lead Discipline Certifications</u></b>	<b><u>Certification</u></b>	<b><u>Recertification</u></b>
<u>Lead Supervisor, Lead Inspector, Lead Risk Assessor, Lead Project Designer, Lead Worker</u>	<u>\$150/ year</u>	<u>\$150/year</u>
<u>Joint Lead Inspector/Lead Risk Assessor</u>	<u>\$250/year</u>	<u>\$250/year</u>
<u>Renovator</u>	<u>\$150 (3-year certification)</u>	<u>\$150/ 3 years</u>
<u>Dust Sampling Technician</u>	<u>\$150/1-year certification or \$275/ 2-year certification</u>	<u>\$150/1-year certification or \$275/ 2-year certification</u>
<b><u>Project Notification or Permit</u></b>	<b><u>Project Notification Fee</u></b>	<b><u>Notice Requirements</u></b>
<u>Lead abatement projects</u>	<u>\$50 plus 2% of project cost</u>	<u>15 days before project start</u>
<u>Emergency Notification: Lead Abatement</u>	<u>\$50</u>	<u>As soon as possible.</u>