

## **TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

### **CHAPTER 120 – AIR RESOURCES**

#### **SUBCHAPTER 05 – AIR POLLUTION CONTROL**

##### **PART 24 – Removal of Lead Based Paint from Exterior Surfaces**

### **24.1 Purpose and Authority**

#### **24.1.1 Purpose**

The purpose of this Regulation is to specify appropriate procedures for the removal of lead based paint from exterior surfaces.

#### **24.1.2 Authority**

These Regulations are authorized pursuant to R.I. Gen. Laws § 42-17.1-2(19) and R.I. Gen. Laws Chapter 23-23, and have been promulgated pursuant to the procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

### **24.2 Application**

The terms and provisions of this Regulation shall be liberally construed to permit the Department to effectuate the purposes of State laws, goals and policies.

### **24.3 Severability**

If any provision of this regulation or the application thereof to any person or circumstance, is held invalid by a court of competent jurisdiction, the validity of the remainder of the regulation shall not be affected thereby.

### **24.4 Definitions**

- A. Unless otherwise expressly defined in this section, the terms used in this regulation shall be defined by reference to Part [0](#) of this Subchapter (General Definitions). As used in this Regulation, the following terms shall, where the context permits, be construed as follows:

1. "Abrasive blasting" means the procedure of removing paint from a surface by using mechanical force to apply an abrasive material (e.g. sand, grit, or other similar material) to the painted surface.
2. "HEPA filter" means a high efficiency particulate air filter capable of filtering out particles of 0.3 microns or greater from a body of air at 99.97 percent efficiency or greater.
3. "Hydroblasting" means any abrasive blasting using high pressure liquid as the propelling force.
4. "Impenetrable material" means an impermeable material that will not allow any spent abrasives, paint, dust and/or other debris, including all residues generated by paint removal operations, to penetrate through it.
5. "Lead-based substance" means any paint or other surface coating material containing more than 0.05 percent lead by weight calculated as lead metal in the dried solid, or greater than or equal to one (1.0) mg/cm<sup>2</sup> by an X-ray fluorescence analyzer.
6. "Lead based paint" means any surface coating material that contains more than 0.05 percent lead by weight calculated as lead metal in the dried solid, or greater than or equal to one (1.0) mg/cm<sup>2</sup> by an X-ray fluorescence analyzer.
7. "Mechanical paint removal" means the use of any mechanical force to remove paint from a surface, including, but not limited to, electrical or other power equipment or abrasive blasting.
8. "Paint" means any substance applied to a surface as a surface coating, including, but not limited to, household paints, varnishes and stains.
9. "Paint stripper" means any chemical and/or caustic substance applied to a surface for the purpose of removing paint.
10. "Representative sample" means a sample of any paint, including a sample of each layer of paint which is on a structure, that may and/or will be removed from a structure.
11. "Sandblasting" means abrasive blasting.
12. "Vacuum blasting" means any abrasive blasting in which the spent abrasive, paint, dust and/or other debris are immediately collected by a vacuum device.

13. "Wet abrasive blasting" means any abrasive blasting using compressed air as the propelling force in combination with water to contain the spent abrasive, paint, particulate, dust and/or other debris generated by the operations.

## **24.5 Applicability and Exemptions**

### **24.5.1 Applicability**

The provisions of this Regulation shall apply to all persons engaging in the removal of a lead based substance from exterior surfaces of buildings and/or other structures, unless exempted below.

### **24.5.2 Exemptions**

Removal of paint, that is not a lead based substance, from a surface shall be exempted from this Regulation. To qualify for this exemption, a representative sample of any paint, which is to be removed from any surface, must be tested prior to the initiation of paint removal and must contain no more than 0.05% lead by weight calculated as lead metal in the dried solid, or greater than or equal to one (1.0) mg/cm<sup>2</sup> by an X-ray fluorescence analyzer. The person performing the paint removal operation is responsible for determining if lead paint is present on the structure. Paint removal operations which are exempt from the requirements of this Regulation must comply with the requirements of Part [5](#) of this Subchapter (Fugitive Dust).

## **24.6 Notification Requirements**

- A. The following persons shall be notified in writing, by the person conducting the removal operation, at least seven (7) days prior to the beginning of any lead paint removal from the exterior surface of any structure:
  1. Adults residing in the structure from which the lead paint is being removed and/or residing within fifty feet (50') of the structure from which lead paint is being removed, and,
  2. The owner, agent, and/or property manager of the structure from which the lead paint is being removed and/or of any building located within fifty feet (50') of the structure from which lead paint is being removed, and,
  3. The owner, agent or manager of any business or organization located in the structure from which the lead paint is being removed and/or within fifty feet (50') of the structure from which lead paint is being removed, and,

4. The principal of every school and the chief administrative officer of every school within fifty feet (50') of the structure from which lead paint is being removed.
- B. The notification shall include, at a minimum, the following information:
1. The location of the structure from which the lead paint is to be removed,
  2. The expected start and completion dates for the lead paint removal project,
  3. The lead paint removal procedure to be used, and,
  4. The name, address and telephone number of the individual or company responsible for the lead paint removal.
- C. In addition, the notification shall include the following statement: "The paint which will be removed from this structure contains lead. Exposure to lead is unhealthful, particularly to young children. Contact the Department of Environmental Management, Office of Air Resources, at 222-2808 for more information."
- D. Any and all parties identified in § 24.6(A) of this Part must be notified in writing of any changes in the information included in the original notice.

## **24.7 Requirements for Preparation of Work Area**

- A. The following procedures must be followed prior to the initiation of lead paint removal from any exterior surfaces of buildings:
1. Remove or cover with an impenetrable material all toys, play equipment and furnishings within a minimum of fifty feet (50'), and/or any other distance which spent abrasive, paint, particulate, dust and/or other debris generated by the removal operations may travel, from a surface from which lead based paint is being removed.
  2. Place an impenetrable material on the ground, at the paint removal worksite, to keep any and all spent abrasive, paint, particulate, dust and/or other debris generated by the paint removal operation from being deposited on the ground. If a wet removal system is to be used, procedures must be employed to contain any and all residues generated by the wet abrasive blasting operations.
  3. The ground sheeting must be attached to ground by staking, weighing down or any other method to ensure that it remains in place during the paint removal operation.

4. If abrasive blasting, machine sanding or machine scraping is to be employed, close all doors and windows on the walls to be blasted or sanded and securely seal them from the outside. Air conditioning units on these and adjacent walls must be turned off and covered.
  5. Erect vertical containment shrouds if there is visible movement of abrasive material, paint, dust and/or other debris beyond ground sheeting.
  6. If a wet removal procedure is to be used, a system must be in place prior to initiation of the removal which allows liquid waste to be collected from the ground containment and placed into appropriate containers for proper disposal.
- B. Site preparation for exterior paint removal from structures other than buildings must be adequate to prevent spent abrasive material, paint, particulate, dust and/or other debris from being deposited on the ground or in water or travelling offsite. Prior to removing paint from structures other than buildings, the person performing the paint removal work and/or the contractor responsible for the removal operation must submit a plan, that describes the procedure to be employed, to the Office of Air Resources for approval. The paint removal operation must not be initiated until written approval is issued by the Department.

#### **24.8 Requirements for Removal of Lead Paint Using Heat Based Methods**

- A. Open flame burning shall not be used to remove paint from exterior surfaces.
- B. Heat guns and/or any other device used for removal of paint from exterior surfaces must be operated such that the temperature of the gun and/or other device does not exceed one thousand one hundred degrees Fahrenheit (1,100° F).

#### **24.9 Requirements for Removal of Lead Paint Using Chemical Based Methods**

- A. Flammable paint strippers and paint strippers containing methylene chloride shall not be used to remove paint from exterior surfaces.
- B. Non-flammable paint strippers which do not contain methylene chloride may be used for the removal of exterior paint provided that the manufacturer's instructions for use of the paint stripper are followed.

## **24.10 Requirements for Removal of Lead Paint Using Mechanical Methods**

- A. Machine sanding and/or machine scraping shall be allowed only if the unit is controlled by a HEPA vacuum unit which immediately collects any and all spent abrasive, paint, particulate, dust and/or other debris generated by the operations. The sanding and/or scraping disk must not be wider than the direct surface upon which it is being applied.
- B. Exterior surfaces must be misted with water prior to manual scraping. Dry scraping is not allowed.

## **24.11 Requirements for Removal of Lead Paint Using Abrasive Blasting**

- A. Dry abrasive blasting shall be allowed only if any and all spent abrasive, paint, particulate, dust and/or other debris generated by the blasting is immediately collected by a HEPA vacuum unit. Any person using a vacuum blast system must comply with the manufacturers' guidelines when using the system.
- B. Hydroblasting or wet abrasive blasting may be used for exterior lead paint removal provided that a vertical containment system is employed that prevents any and all fallout generated by the operation from travelling beyond the ground containment. Additionally, any and all liquid waste generated by the operation must be adequately contained and handled in accordance with applicable waste disposal Regulations.

## **24.12 Alternative Procedures for Removal of Paint Containing Lead**

The Department may, on a case by case basis, allow an alternative procedure for removing paint containing lead provided that the person who uses this procedure shall submit to the Office of Air Resources, in writing, a description of the procedure which demonstrates to the satisfaction of the Department that the proposed alternative provides an equivalent control efficiency to the methods which are contained in §§ 24.8, 24.9, 24.10 and 24.11 of this Part. Use of an alternative procedure shall not begin until a written approval is issued by the Department.

## **24.13 Requirements for Site Cleanup**

- A. At the end of each workday, the following procedures must be followed:
  - 1. If a dry removal procedure was used, spray any and all spent abrasive, paint, particulate, dust and/or other debris present on ground sheeting

and/or other containments with a fine mist of water and collect the residue and place it in an appropriate container.

2. Visually inspect all areas, including areas that extend beyond the sheeted area, to determine whether any spent abrasive, paint, particulate, dust and/or other debris has escaped containment. If any spent abrasive, paint, particulate, dust and/or other debris generated by the lead paint removal operation is observed it must be collected and placed in single 6-mil or double 4-mil plastic bags or another appropriate container.
  3. If bags are used they must not be overloaded. Bags must be securely sealed and stored in such a way that they are not easily accessible to the public.
  4. Liquid waste must be collected and stored in appropriate containers. Containers must be securely sealed and stored in a manner such that they are not easily accessible to the public.
  5. Plastic sheets used for exterior containments, such as ground sheeting and vertical shrouds, must be removed and stored in a manner such that they are not easily accessible to the public.
- B. At the completion of a lead paint removal project, or at the time when all lead paint that is to be removed from a structure has been removed, the following procedures must be implemented:
1. Spray the ground sheeting as specified in § 24.13(A)(1) of this Part. Any and all residue must be collected and placed in an appropriate container. Ground sheeting should then be folded from the ends to the middle and placed into single 6-mil or double 4-mil plastic bags for disposal.
  2. Collect any and all liquid waste in appropriate containers.
  3. As specified in § 24.13(A)(2) of this Part the area must be inspected for any spent abrasive, paint, particulate, dust and/or other debris which may have escaped containment and any and all such debris must be collected and placed in single 6-mil or double 4-mil plastic bags or an appropriate container.
  4. Any and all bags and containers must be securely sealed. Removal and disposal must be in accordance with applicable solid and hazardous waste Regulations.

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