

216-RICR-50-15-12

## TITLE 216 – DEPARTMENT OF HEALTH

### CHAPTER 50 – ENVIRONMENTAL HEALTH

#### SUBCHAPTER 15 – HEALTHY ENVIRONMENT

##### PART 12 – LEAD SAFE WORK PRACTICES

### 12.1 Authority

- A. This Part is promulgated pursuant to the authority conferred under R.I. Gen. Laws §§ 23-1, 23-24.6, and 42-128.1, and 40 C.F.R. Part 745 for the purpose of establishing the requirements for activities that disturb environmental lead including prohibited and approved treatment methods for correcting lead hazards in drinking water, household dust, painted surfaces, soil and/or other appropriate fixed surfaces that may contain lead.

### 12.2 Definitions

- A. Wherever used in this Part, the terms listed below shall be construed in the following manner:
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. "Act" means R.I. Gen. Laws Chapter 23-24.6, Lead Poisoning Prevention.
  3. "Certificate of Lead Conformance (Form LHM-2-1)" means a certificate issued by a Lead Inspector or Lead Assessor which certifies that a single-family house, dwelling unit and common areas, or premises has passed a Lead Hazard Mitigation (LHM) Inspection.
  4. "Child care facility" means any building and/or area whose primary purpose is or will be to educate or care for children younger than six (6) years of age, including but not limited to, child day care centers, nursery schools, preschools, Kindergarten classrooms, public and private elementary schools. Child care facilities located in public or commercial buildings encompass only those common areas that are routinely used by children, such as restrooms and cafeterias. Common areas that children only pass through, such as hallways, staircases, and garages are not included. The child care facility also encompasses the exterior sides of the building that are immediately adjacent to the child care facility and the exterior common areas or play areas routinely used by children.

5. "Cleaning verification card" or "CV 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.
6. "Cleaning verification procedure" or "CV" means the EPA procedure for determining whether post-renovation cleaning has been properly completed through comparison of wet and dry disposable cleaning cloths with an EPA-approved cleaning verification card.
7. "Clearance inspection" means a visual assessment and lead testing, as applicable, done at the conclusion of a renovation, repair, and painting (RRP), lead hazard control (LHC), or lead hazard reduction (LHR) project to determine compliance with § 5.8.4 of this Subchapter.
8. "Common area(s)" means a portion of a residential property that is available for shared use by occupants of more than one (1) dwelling unit, such as hallways, stairways, lobbies, community rooms, recreational rooms, laundry rooms, garages, playgrounds, and boundary fences; in general, any area not kept locked.
9. "Component or building component" means specific design or structural elements or fixtures of a building or residential dwelling 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 or stools and wells or 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 or stools and wells or troughs, casings, sashes, and air conditioners.
10. "Conditional Lead-Safe Certificate (Form PBLC-15)" means a certificate issued by a Lead Inspector, typically at the conclusion of a lead hazard control (LHC) or lead hazard reduction (LHR) project, which certifies that a child care center, single-family house, dwelling unit and common areas, or premises had a Comprehensive Environmental Lead Inspection and meets the conditional lead safe standards for paint, dust, soil, and water in § 12.7 of this Part and § 5.8 of this Subchapter. Routine maintenance and renewal inspections every two (2) years are required to re-certify conditional compliance.

11. "Conditionally lead safe" means intact lead-based paint and/or covered soil for which the lead concentrations are above the lead-safe thresholds in § 12.7 of this Part and § 5.8 of this Subchapter. See "lead safe".
12. "Containment or containment barriers" means physical measures taken to ensure that a process for protecting workers, residents, and the environment by controlling lead exposures with a system of temporary barriers, typically plastic sheeting or other impenetrable material, used to isolate a work area so that no dust, paint chips, or other debris escapes while work that will disturb known or assumed lead-based paint is being performed.
13. "DEM" means the Rhode Island Department of Environmental Management.
14. "Demolition" means, for the purposes of this Part, the removal of any structural member, architectural component, or fixture by destruction, as distinguished from removing the component whole or piece by piece.
15. "Department" means the Rhode Island Department of Health.
16. "Director" means the Director of the Rhode Island Department of Health or his/her agents, subordinates to whom the Director has delegated the powers and duties vested in the Director by these Regulations.
17. "DOT" means the Rhode Island Department of Transportation.
18. "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.
19. "Dust wipe sample" means a sample collected by wiping a representative surface of a measured 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 an equivalent method approved in writing by the Department.
20. "Dwelling" or "dwelling unit" means, as defined by R.I. Gen. Laws Chapter 42-128.1, an enclosed space used for living and sleeping by human occupants as a place of residence, including, but not limited to: a house, an apartment, or condominium, but for the purpose of this Chapter, shall not include hotels or temporary housing.
21. "Encapsulation" means any covering or coating that acts as a barrier between lead-based paint and the environment which relies for its durability on adhesion between the encapsulant and the existing painted surface, and on the integrity of the bonds between the paint layers with

each other and with the substrate. Encapsulation may be used as an abatement method only if it is designed and guaranteed to be “permanent.”

22. “Enclosure” means the use of rigid, durable construction materials which are mechanically fastened to the substrate, and sealed or caulked, in order to act as a barrier between lead-based paint and the environment. Enclosure may be used as an abatement method only if it is designed to be “permanent.”
23. “EPA” means the United States Environmental Protection Agency.
24. “Feathering” means light sanding of interior surfaces, performed after damaged material has been removed by scraping, to soften abrupt transitions between bare substrate and remaining intact paint; or exposed layers of intact paint; or patching materials and the surrounding surface. Proper feathering will produce a surface which, after painting, has no edges that can be lifted with a fingernail.
25. “First-draw water sample” means a sample of tap water collected after the household water has been unused for at least six (6) hours.
26. “Flushed water sample” means a sample of tap water collected after the tap has been allowed to run at its maximum flow rate until cold, or at least one (1) minute, before the sample collection.
27. “Friction surface” means a surface that is subject to abrasion, such as certain door, window, floor, and stair surfaces, that may generate dust from abrasion during normal use.
28. “Full Lead-Safe Certificate (Form PBLC-21)” means a certificate issued by a Lead Inspector, typically at the conclusion of a lead hazard control (LHC) or lead hazard reduction (LHR) project, which certifies that a child care center, single-family house, dwelling unit and common areas, or premises had a Comprehensive Environmental Lead Inspection and meets the lead-safe standards for paint, dust, soil, and water in § 12.7 of this Part. A Full Lead-Safe Certificate does not expire.
29. “HEPA filter” means a high-efficiency particulate air filter, used in respirators and vacuum systems, capable of capturing particles of 0.3 microns with 99.97% efficiency.
30. “HEPA vacuum” means a vacuum cleaner which has been designed with a HEPA filter as the last filtration stage. 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. HEPA vacuums must be operated and maintained in accordance with the manufacturer’s instructions.

31. "Impact surface" means a surface that either moves or meets with a moveable surface and is subject to damage by repeated sudden force, impact, or contact, such as doors and windows with certain parts of their frames.
32. "Interim controls" means a set of measures designed to temporarily reduce human exposure to lead hazards, including specialized cleaning, repairs, maintenance, painting, non-permanent encapsulation or enclosure, and ongoing monitoring of lead-based paint or potential lead hazards, and the establishment and operation of management and resident education programs.
33. "Lead assessor" means a person, either authorized to act as an enforcing officer under the housing code or a designated employee of a Federal, State or municipal agency with jurisdiction over housing, occupational health, child welfare and/or environmental standards who successfully completed a Lead Assessor training course and obtained a license, pursuant to Part 11 of this Subchapter, to conduct lead inspections within the purview of their employment.
34. "Lead-based paint" means any paint or other surface coating that contains lead in excess of the Lead-Safe thresholds specified in § 5.8 of this Subchapter.
35. "Lead contractor" means, any person or entity engage in lead hazard reduction as a business and licensed pursuant to Part 11 of this Subchapter.
36. "Lead free" means paint below the Consumer Product Safety Commission (CPSC) limit on lead in paint (16 C.F.R. § 1303.1) and plumbing materials which meet the lead-free definition under the EPA Safe Drinking Water Act (40 C.F.R. Part 141).
37. "Lead hazard" means a condition that presents a clear and significant health risk to occupants of a child care center, single-family house, dwelling unit and common areas, or premises, particularly where children reside. Lead concentrations in damaged paint, interior dust, bare soil, and/or drinking water which exceed the Lead-Safe thresholds in § 5.8 of this Subchapter are an immediate lead exposure hazard requiring corrective action at a regulated facility.
38. "Lead hazard control" or "LHC" means any window replacement and/or interim controls intended to correct lead hazards identified in a lead inspection report or standard treatments to remove lead-based paint and/or minimize lead exposure, which may include measures to reduce the concentration of lead in paint, dust, soil, and/or water using approved treatment methods specified in this Part.

39. "Lead hazard control project" or "LHC project" means a project being done by a Lead Renovation Firm for the purpose of controlling lead hazards. An LHC Clearance Inspection is required at the conclusion of an LHC project.
40. "Lead hazard mitigation" or "LHM" means spot removal or minor repair and maintenance activities by a property owner or designated person at a residential rental unit intended to correct lead hazards, which may include measures to reduce friction, stabilize paint, and cover bare soil for the purpose of obtaining a Certificate of Lead Conformance (FormLHM-2-1).
41. "Lead hazard mitigation project" or "LHM Project" means a project being done by an owner or designated person for the purpose of mitigating lead hazards. An LHM Clearance Inspection is required at the conclusion of an LHM project to obtain a Certificate of Lead Conformance (FormLHM-2-1), required for non-exempt residential rental units.
42. "Lead hazard reduction" means, as defined by R.I. Gen. Laws § 23-24.6-4, any action or actions designed to reduce exposure to toxic levels of lead which impose an unacceptable risk of exposure in any dwelling or dwelling unit where a child under the age of six (6) years with environmental intervention blood lead levels or greater resides, or on any premises and may include, but is not limited to: repair, enclosure, encapsulation, or removal of lead based paint and/or lead contaminated dust, soil or drinking water relocation of occupants; and cleanup measure or ongoing maintenance measures which may include, activities and/or measures that do not present an undue risk to children under age six (6).
43. "Lead hazard reduction project" or "LHR project" means a project being done by a Lead Contractor for the purpose of reducing lead hazards. An LHR Clearance Inspection is required at the conclusion of an LHR project.
44. "Lead inspection" means any type of physical investigation of a child care center, single-family house, dwelling unit, or premises to identify the presence of environmental lead, lead hazards, or compliance with the cleaning requirements and lead standards in § 5.8 of this Subchapter for paint, dust, soil, and/or water.
45. "Lead inspection report" means a written report, on forms provided or approved by the Department, which documents the results of a lead inspection, conducted pursuant to Part 5 of this Subchapter, and includes the visual assessment, field testing, sample analysis results, summary of findings, and, for regulated facilities and target housing, lead hazard reduction or lead hazard control requirements and site-specific recommendations, as applicable.
46. "Lead inspector" means an individual, who successfully completed a certified Lead Inspector training course, passed the Lead Inspector

Department examination, completed a supervised field apprenticeship, and obtained a license, pursuant to Part 11 of this Subchapter, to conduct lead inspections.

47. "Lead professional" means an occupational grouping of individuals and organizations licensed or certified pursuant to Part 11 of this Subchapter.
48. "Lead renovation firm" means any person or organization engaged in renovation, repair, and painting (RRP) or lead hazard control (LHC) as a business and licensed pursuant to Part 11 of this Subchapter.
49. "Lead renovator" means an individual who successfully completed a certified Lead Renovator training course and obtained a valid training certificate, pursuant to Part 11 of this Subchapter, to perform renovation, repair, and painting (RRP) and lead hazard control (LHC) work.
50. "Lead safe" means paint, dust, soil, and/or water for which the lead concentrations are below the lead safe thresholds in § 12.7 of this Part. A lead safe concentration does not require corrective action and would be expected to persist indefinitely unless additional lead is added. See "conditionally lead safe."
51. "Lead supervisor" means an individual who successfully completed a certified Lead Supervisor training course, passed the Lead Supervisor Department examination, and obtained a license, pursuant to Part 11 of this Subchapter, to perform and/or supervise lead hazard reduction (LHR) work.
52. "Lead worker" means an individual who successfully completed a certified Lead Worker training course and obtained a license, pursuant to Part 11 of this Subchapter, to perform lead hazard reduction work.
53. "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.
54. "Minor repair and maintenance" means work activities, including minor heating, ventilation, and air conditioning (HVAC) work, electrical work, or plumbing work that disturbs less than six square feet (6 ft<sup>2</sup>) of lead-based paint per room for interior activities or less than twenty square feet (20 ft<sup>2</sup>) of lead based-paint for exterior activities where none of the work practices prohibited or restricted by this Part are used and where the work does not involve window replacement or demolition of painted surfaces. For the purposes of this Part, the term minor repair and maintenance shall be synonymous with spot removal. See "Spot removal."
55. "Occupant" means, as defined by R.I. Gen. Laws § 23-24.6-4, any person who legally resides in, or regularly uses, a dwelling, dwelling unit, or

structure; provided, however, that a guest of any age shall not be considered an occupant for the purposes of this Chapter.

56. "OSHA" means the United States Occupational Safety and Health Administration.
57. "Owner" means any person who, alone or jointly or severally with others:
  - a. Shall have legal title to any dwelling or dwelling unit with or without accompanying actual possession of it; or
  - b. Shall have charge, care, or control of any dwelling or dwelling unit as owner or agent of the owner or an executor, administrator, trustee, or guardian of the estate of the owner. Any person representing the actual owner shall be bound to comply with the provisions of this Chapter and with Rules and Regulations adopted pursuant to this Chapter to the same extent as if that person were the owner. An agent of the owner excludes real estate and property management functions where the agent is only responsible for the property management and does not have authority to fund capital and/or major property rehabilitation on behalf of the owner.
  - c. For purposes of publicly owned property only, the owner shall be defined to be the Chief Executive Officer of the municipal or State agency which owns, leases or controls the use of the property.
58. "Paint" means any substance applied to a surface as a surface coating, including, but not limited to, household paints, varnishes and stains.
59. "Paint removal" means a method of abatement that permanently eliminates lead-based paint from surfaces; or surface preparation by stripping, scraping or sanding, as part of paint stabilization, or prior to encapsulation.
60. "Paint stabilization" means repairing any physical defects in the substrate of a painted surface that is causing paint deterioration, removing loose paint and other material from the surface to be treated, and applying a new protective coating or paint to achieve intact status.
61. "Paint stripper" means any chemical and/or caustic substance applied to a surface for the purpose of removing paint.
62. "Painted surface" means a component surface covered in whole or in part with paint or other surface coatings.
63. "Painted surface to be disturbed" means a painted surface that is to be stripped, scraped, sanded, cut, penetrated or otherwise affected by

renovation or rehabilitation work in a manner that could potentially create a lead hazard by generating dust, fumes, or paint chips.

64. "Permanent" means an expected design life of at least twenty (20) years.
65. "Personal protective equipment" or "PPE" means any equipment such as disposable gloves, eye, face, foot or hair coverings, respirators, as well as outerwear which is either disposable or which must be laundered separately, worn to protect workers from lead exposure.
66. "Premises" means, as defined by R.I. Gen. Laws § 23-24.6-4, a platted lot or part thereof or unplatted lot or parcel of land, occupied by a dwelling or structure and includes any building, accessory structure or other structure thereon which is or will be frequently used by children under the age of six (6) years.
67. "Regulated facility" means any child care facility, single-family house, dwelling unit and common areas, or premises, as specified in § [3.2.2](#) of this Subchapter, which is subject to the requirements of this Part.
68. "Renovation" means the modification of any existing structure, or portion thereof that results in the disturbance of lead-painted surfaces, unless that activity is performed as part of a lead hazard control (LHC) or lead hazard reduction (LHR) project. 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 activities such as sanding, scraping, or other such activities which 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, planning thresholds to install weather-stripping); and interim controls that disturb lead-painted surfaces. A renovation performed for converting a building, or part of a building, into target housing or child care facilities is a renovation under this Part. The term renovation does not include minor repair and maintenance activities.
69. "Renovation, repair, and painting project" or "RRP project" means a project which is being done by a Lead Renovation Firm for purposes other than removing lead-based paint or correcting lead hazards (although it may result in this). The purpose of an RRP project is to ensure that renovations performed at a regulated facility or for compensation at target housing are done safely and prevent lead exposure to owners, occupants and neighbors of the property where the work is performed. Any additional work which disturbs lead-based paint, other than emergency renovation operations, performed in the same room or area within the same thirty (30) day period must be considered the same RRP project for the purpose of

determining whether the work is spot removal or renovation, repair, and painting (RRP).

70. "Sample" means an individual sample collected at one (1) time and in one (1) place, such as a "grab" sample of soil or a single-surface dust wipe.
71. "Spot removal or *de minimis*" means minor repair and maintenance activities, which do not involve window replacement or demolition of painted surface areas, and disturb less than six square feet (6 ft<sup>2</sup>) of interior lead-based paint per room or less than twenty square feet (20 ft<sup>2</sup>) of exterior lead-based paint, and provided that no prohibited work practices are used. When removing painted components, or portions of painted components the entire surface area removed is the amount of lead-based paint being disturbed. Any additional work which disturbs lead-based paint, performed in the same room or area within the same thirty (30) day period of an RRP project must be considered the same RRP project and not spot removal.
72. "Standard treatments" means a series of lead hazard control or lead hazard reduction measures designed to correct assumed lead hazards without the benefit of a lead inspection. See "treatments."
73. "Substrate" means the material directly beneath the painted surface out of which the components are constructed. The underlying surface which remains after paint is removed. Examples of substrates include wood, plaster, sheetrock, concrete, and metal.
74. "Target housing" means any pre-1978 residential dwelling, except housing for the elderly or persons with disabilities or zero (0) bedroom units in which no child resides.
75. "Temporary lead hazard control measures" means a set of measures designed to temporarily reduce human exposure or likely exposure to lead hazards, including but not limited to, specialized cleaning, temporary containment (e.g. plastic sheeting and/or duct tape), ongoing monitoring, and the establishment and operation of lead management and resident education programs.
76. "Tenant" means any person, other than the owner, who enters into an agreement to rent, lease, or sublease a single-family house, dwelling unit, or premises.
77. "Treatments" means any methods designed to control or reduce lead exposure hazards. Treatments include lead abatement, interim controls, or a combination of both. See "standard treatments."
78. "Vertical containment" means a vertical barrier consisting of plastic sheeting or other impenetrable material over scaffolding or a rigid frame,

or an equivalent system of containing the work area. Vertical containment is required for some exterior renovations, but it may be used on any renovation.

79. "Wet cleaning" means a process of eliminating lead contamination from surfaces and objects by using water or detergent solutions and rinsing with clean water.
80. "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.
81. "Work area" means the area established by an appropriately licensed or certified lead professional to contain the dust and debris generated by activities that disturb painted surfaces.

### **12.3 Regulated Activities**

#### **A. Spot Removal or Minor Repair and Maintenance**

1. A Lead Renovation Firm or Lead Contractor licensed by the Department is not required for spot removal or minor repair and maintenance activities.
2. Spot removal or minor repair and maintenance activities include activities that disturb less than six square feet (6 ft<sup>2</sup>) of interior lead-based paint per room or less than twenty square feet (20 ft<sup>2</sup>) of exterior lead-based paint, provided that the work does not include:
  - a. Any window removal/replacement (no *de minimis*);
  - b. Any interior mechanical paint removal (no *de minimis*);
  - c. Interior or partial demolition activities (no *de minimis*); or
  - d. Prohibited work practices specified in § 12.5.8 of this Part.
3. Disturbing lead-based paint in excess of the spot removal *de minimis* at a regulated facility or for compensation at target housing must be done by a Lead Renovation Firm or Lead Contractor licensed by the Department.
4. When removing painted components, or portions of painted components the entire surface area to be removed is the amount of lead-based paint being disturbed.
5. Any work that disturbs lead-based paint, other than emergency renovation operations, performed in the same room or area within the same thirty (30) day period must be considered the same project for the purpose of

determining whether the work is spot removal or renovation, repair, and painting (RRP).

B. Lead Hazard Mitigation (LHM)

1. An owner or his/her designated person who completed a Department approved lead hazard awareness seminar may perform spot removal or minor repair and maintenance activities at their own rental properties.
2. The owner or designated person must be a certified Lead Renovator working under the authority of a Lead Renovation Firm license from the Department for any work that includes:
  - a. Disturbing painted surfaces in excess of the spot removal *de minimis* thresholds;
  - b. Any window removal/replacement (no *de minimis*);
  - c. Any interior mechanical paint removal (no *de minimis*); or
  - d. Interior or partial demolition activities (no *de minimis*).

C. Renovation, Repair, and Painting (RRP) and Lead Hazard Control (LHC)

1. RRP and LHC activities must be performed by a Lead Renovation Firm licensed by the Department.
2. The purpose of an RRP project is to perform renovations, repairs, painting and related construction work for reasons other than correcting environmental lead hazards.
3. The purpose of an LHC project is to perform lead hazard control to correct known or assumed environmental lead hazards at a residential dwelling or child care facility.

D. Lead Hazard Reduction (LHR).

1. Lead hazard reduction (LHR) activities must be performed by a Lead Contractor licensed by the Department.
2. The purpose of an LHR project is to perform lead hazard reduction to eliminate all environmental lead hazards at a residential dwelling.

**12.3.1 Exemptions**

- A. A Lead Renovation Firm or Lead Contractor is not required for the following activities which are not considered RRP, LHC, or LHR projects for the purposes of this Part:

1. Disturbing painted surfaces which do not contain lead-based paint, as determined by a Lead Inspector, Lead Assessor, or Lead Renovator, pursuant to § 5.7.2 of this Subchapter;
2. Temporary lead hazard control measures, provided that no lead-based paint is disturbed;
3. Spot removal or minor repair and maintenance activities that disturb less than six square feet (6 ft<sup>2</sup>) of lead-based paint per interior room, provided that no prohibited work practices, as specified in § 12.5.8 of this Part are used, and the work does not involve window removal/replacement, interior mechanical paint removal, or interior demolition activities;
4. Spot removal or minor repair and maintenance activities that disturb less than twenty square feet (20 ft<sup>2</sup>) of exterior lead-based paint, provided that no prohibited work practices specified in § 12.5.8 of this Subchapter or Removal of Lead Based Paint from Exterior Surfaces ([250-RICR-120-05-24](#)), are used and the work does not involve window removal/replacement or partial demolition activities;
5. Encapsulation or enclosure of painted surfaces, provided that the total amount of lead-based paint that is disturbed does not exceed the spot removal *de minimis*;
6. Remediation of lead-contaminated dust, which was not generated during RRP, LHC, or LHR activities;
7. Remediation of lead-contaminated soil;
8. Remediation of lead-contaminated drinking water; and/or
9. Complete razing of an entire free-standing building or structure, in accordance with all applicable DEM air pollution control requirements, when permitted for such by an appropriate municipal or State agency.

### **12.3.2 Responsibilities**

#### **A. Lead Renovation Firm**

1. For each RRP or LHC project, the Lead Renovation Firm shall ensure that the following requirements are met (when applicable):
  - a. The firm is licensed by the Department pursuant to Part 11 of this Subchapter;
    - (1) Any subcontractors are licensed by the Department pursuant to Part 11 of this Subchapter;

- b. Pre-renovation education (PRE) information is distributed pursuant to § 12.4 of this Part;
- c. The property owner is informed of the cleaning verification procedure and/or clearance inspection requirements;
- d. For exterior work, Notification of Removal of Exterior Lead Based Paint is made pursuant to Removal of Lead-Based Paint from Exterior Surfaces ([250-RICR-120-05-24](#));
- e. A certified Lead Renovator is assigned as the person responsible for oversight of each RRP or LHC project and discharges all the Lead Renovator responsibilities identified in § 12.3.2(B) of this Part;
- f. For RRP projects that include any window replacement, interior mechanical paint removal, demolition activities, or any variance from this Part granted by the Department, a Start Work Notification (Form PBLC-9), pursuant to § 12.4.1 of this Part, is received by the Department at least seven (7) days before the work begins;
- g. For all LHC projects, a Start Work Notification (Form PBLC-9), pursuant to § 12.4.1 of this Part, is received by the Department at least seven (7) days before the work begins;
- h. All individuals working on behalf of the Lead Renovation Firm are either certified Lead Renovators or have been trained by a certified Lead Renovator, pursuant to § 12.3.2(B)(1)(c) of this Part, and the training is documented.
- i. All RRP and LHC work is performed pursuant to §§ 12.5 and 12.6 of this Part, and/or Removal of Lead-Based Paint from Exterior Surfaces ([250-120-05-24](#)), as applicable;
- j. The worker protection requirements of OSHA 29 C.F.R. § 1926.62 and 29 C.F.R. § 1910.125 are met;
- k. The waste transportation and disposal requirements of DEM and DOT are met; and
- l. The recordkeeping requirements of § 12.8 of this Part are met.

**B. Lead Renovator**

- 1. For each RRP or LHC project, the Lead Renovator shall ensure that the following requirements are met (when applicable):
  - a. A certified Lead Renovator is physically on-site to perform and/or supervise all RRP or LHC activities;

- b. The work area(s) are contained so that no lead dust, paint chips, or other debris leave the containment area(s) while the RRP or LHC work is in progress;
- c. Any non-certified workers are trained in the lead-safe work practice requirements which they must follow in performing their assigned tasks, and the training is documented;
- d. All RRP or LHC tasks are performed following the lead-safe work practice requirements in §§ 12.5 and 12.6 of this Part, and/or Removal of Lead Based Paint from Exterior Surfaces ([250-RICR-120-05-24](#)), as applicable;
- e. The documentation specified in § 12.8(A) of this Part is maintained on-site for the duration of the project;
- f. The integrity of the containment is maintained for the duration of the project;
- g. All warning signs remain in place and readable for the duration of the project;
- h. The work area(s) are cleaned pursuant to § 12.6 of this Part;
- i. A visual assessment of the work area(s) is conducted at the conclusion of the RRP or LHC work;
- j. For RRP projects, the cleaning verification procedure is performed and documented on the RRP checklist;
- k. For LHC projects, the owner and Lead Inspector are notified when the project is ready for the clearance inspection;
- m. Warning signs and critical barriers are removed after the cleaning verification is successfully completed or dust wipe clearance is achieved;
- n. For RRP projects, the RRP checklist is completed, signed, and provided to the owner; and
- o. For LHC projects, a copy of the lead certificate, signed by the Lead Inspector who conducted the clearance inspection, is obtained.

### C. Lead Contractor Responsibilities

1. For each LHR project, the Lead Contractor shall ensure that the following requirements are met (when applicable):

- a. The organization is licensed by the Department pursuant to Part 11 of this Subchapter;
  - (1) Any subcontractors are licensed by the Department pursuant to Part 11 of this Subchapter;
- b. Pre-renovation education (PRE) information is distributed pursuant to § 12.4 of this Part;
- c. The property owner is informed of the clearance inspection and Conditional Lead-Safe Certificate (Form PBLIC-15) or Full Lead-Safe Certificate (Form PBLIC-21) requirements;
- d. For exterior work, Notification of Removal of Exterior Lead Based Paint is made pursuant to DEM Regulation Removal of Lead-Based Paint from Exterior Surfaces ([250-RICR-120-05-24](#));
- e. A Start Work Notification (Form PBLIC-9), pursuant to § 12.4.1 of this Part, is received by the Department at least seven (7) days before the work begins;
- f. The Lead Supervisor assigned to each LHR project discharges all the Lead Supervisor responsibilities delineated in § 12.3.2(B) of this Part;
- g. All individuals working on behalf of the Lead Contractor are licensed Lead Supervisors or Lead Workers;
- h. An access logbook with consecutively numbered pages is maintained at each LHR project site;
- i. All LHR work is performed pursuant to §§ 12.5 of this Part, and/or DEM Regulation Removal of Lead-Based Paint from Exterior Surfaces ([250-RICR-120-05-24](#)), as applicable;
- j. The worker protection requirements of 294 C.F.R. §§ 1926.62 and 1910.1025 are met;
- k. The waste transportation and disposal requirements of DEM and DOT are met; and
- l. The recordkeeping requirements of § 12.8 of this Part, are met.

D. Lead Supervisor

- 1. For each LHR project, the Lead Supervisor shall ensure that the following requirements are met (when applicable):

- a. A Lead Supervisor is physically on-site to perform and/or supervise all LHR activities;
- b. The Department is notified by telephone, pursuant to § 12.4.1(H) of this Part, when on-site preparation for the LHR project begins;
- c. The work area(s) are contained so that no lead dust, paint chips, or other debris leave the containment area(s) while the LHR work is in progress;
- d. All Lead Supervisor and Lead Worker licenses are either worn or prominently posted at the LHR project site;
- e. Each person gaining access to a containment area prints and signs their name in the access logbook, documenting the date and time entering and leaving the containment area, and includes their LHR license number or affiliation and reason for entering the containment area;
- f. All LHR tasks are performed following the lead-safe work practice requirements pursuant to § 12.5 of this Part, and/or Removal of Lead-Based Paint from Exterior Surfaces ([250-RICR-120-05-24](#)), as applicable;
- g. The documentation requirements of § 12.8(A) of this Part are maintained on-site for the duration of the project;
- h. The integrity of the containment is maintained for the duration of the project;
- i. Warning signs remain in place and readable for the duration of the project;
- j. The work area(s) are cleaned pursuant to § 12.6 of this Part;
- k. The owner and Lead Inspector are notified when the project is ready for the clearance inspection;
- l. Warning signs and critical barriers remain in place until after dust wipe clearance is achieved; and
- m. A copy of the lead certificate, issued by the Lead Inspector who conducted the clearance inspection, is obtained.

## **12.4 Notification**

### **12.4.1 Pre-Renovation Education (PRE)**

A. Pamphlet

1. Not less than seven (7) days and no more than sixty (60) days before beginning an RRP, LHC, or LHR project, the Lead Renovation Firm or Lead Contractor, as applicable, shall provide a Department-approved pamphlet, available on the Department's website, to the owner, occupants, and/or parents, as applicable.

B. Notification Form

1. The Pre-Renovation Notification (Form PBLC-29), Pre-Abatement Notification (Form PBLC-12), or the equivalent, must include the following information:
  - a. The name, license number, and contact information for the Lead Renovation Firm or Lead Contractor, as applicable;
  - b. The nature and location of the work; and
  - c. The start date and end date of the work.

C. Owner

1. The Lead Renovation Firm or Lead Contractor, as applicable, shall inform the owner of the cleaning verification procedure and/or clearance inspection requirements and obtain:
  - a. PRE-Form PBLC-29 or PBLC-12, or the equivalent, signed by the owner; or
  - b. Proof of mailing the pamphlet and the US Postal Service delivery confirmation.

D. Occupants

1. If the owner does not occupy the dwelling unit, the Lead Renovation Firm or Lead Contractor, as applicable, shall:
  - a. Obtain PRE-Form PBLC-29 or PBLC-12, or the equivalent, signed by the tenant;
  - b. Indicate on PRE-Form PBLC-29 or PBLC-12, or the equivalent, the date and time the pamphlet was delivered, and the tenant was unavailable to sign the form or declined to sign the form; or
  - c. Obtain proof of mailing the pamphlet and a US Postal Service delivery confirmation.

E. Common Areas

1. The Lead Renovation Firm or Lead Contractor, as applicable, shall provide notification to the occupants of any affected dwelling units by:
  - a. Posting signs, where they are most likely to be seen by the affected tenants, containing the information required in § 12.4(B) of this Part and how to get a free copy of the pamphlet; or
  - b. Providing the pamphlet to all affected tenants and completing a PRE-Form PBLC-29 or PBLC-12, or the equivalent, to document how each pamphlet was delivered.

F. Child care Facilities

1. For RRP or LHC projects, the Lead Renovation Firm shall provide notification to the parents of all children using the facility by:
  - a. Posting signs, where they are most likely to be seen by the affected families, containing the information required in § 12.4(B) of this Part and how to get a free copy of the pamphlet; or
  - b. Providing the pamphlet to all affected families and completing a PRE-Form PBLC-29, or the equivalent, to document how each pamphlet was delivered.

**12.4.2 Start Work Notification (SWN)**

- A. For any RRP project that includes window replacement, interior mechanical paint removal, interior or partial demolition, or for which a variance from this Part was granted by the Department, a complete and accurate Start Work Notification (Form PBLC-9) must be received by the Department at least seven (7) days before the work begins.
- B. For all LHC projects, a complete and accurate Start Work Notification (Form PBLC-9) must be received by the Department at least seven (7) days before the work begins.
- C. For all LHR projects, a complete and accurate Start Work Notification (Form PBLC-9) must be received by the Department at least seven (7) days before the work begins. In addition, the Lead Supervisor shall notify the Department by telephone when on-site preparation for the project or phase begins.
- D. For any project for which a variance from this Part was granted by the Department, a copy of the variance request and approval letter must be submitted with the SWN Form PBLC-9.
- D. If the project will be done in phases, a separate SWN Form PBLC-9 must be submitted for each phase of the project indicating the start and end dates of the phase.

- E. The work must not begin prior to the start date indicated on the SWN Form PBLC-9.
- F. If the work does not begin within seven (7) days of the start date and/or end within seven (7) days of the end date indicated on SWN Form PBLC-9, a revised SWN Form PBLC-9 must be submitted to the Department.
- G. If the project or phase is canceled, or postponed with no known start date, a canceled SWN Form PBLC-9 must be submitted to the Department.

## **12.5 Lead Safe Work Practices**

### **12.5.1 Worker Protection**

- A. The OSHA requirements specified in 29 C.F.R. §§ 1926.62 and 1910.125 apply to all RRP, LHC, and LHR projects.
- B. The OSHA requirements also apply when the person disturbing lead or performing LHM, RRP, LHC, or LHR activities is an employee of the property owner.

### **12.5.2 Occupant Protection**

- A. The owner shall make all reasonable efforts to ensure that occupants are not present during LHM, RRP, or LHC activities.
- B. The owner shall ensure that occupants vacate the premises for the duration of an LHR project.
- C. The Lead Renovator or Lead Supervisor, as applicable, shall ensure that occupants' belongings are protected from contamination by lead dust, paint chips, or other debris during the work by:
  - 1. Removing all movable objects from the work area or covering them with polyethylene sheeting secured in place with duct tape; and/or
  - 2. Covering all non-movable objects in the work area with polyethylene sheeting secured in place with duct tape.
  - 3. For LHR projects, HEPA vacuuming and/or wet cleaning all objects and surfaces in the contained work area of all visible dust, paint chips, or other debris before covering them. The thickness of the polyethylene sheeting must be six (6) mils.
- D. Both the owner and Lead Renovator or Lead Supervisor, as applicable, shall make reasonable efforts to ensure that no unauthorized person or pet enters or remains in a containment area until passing cleaning verification or dust wipe clearance, as applicable.

- E. Warning signs must be posted at all entrances to the work area(s).
- F. The worksite must be secured against unauthorized entry.

### **12.5.3 Control of Access**

#### **A. Warning Signs**

1. Warning signs must be posted at all entrances to the work area(s) before beginning any RRP, LHC, or LHR project and must be illuminated and cleaned as necessary so that the text is readily visible.
2. The signs must contain at least the following text which is required by 29 C.F.R. § 1926.62(m):

Danger Lead Work Area

May Damage Fertility or the Unborn Child

Causes Damage to the Central Nervous System

Do Not Eat, Drink, or Smoke in this Area

3. The signs must contain a twenty-four (24) hour emergency contact telephone number.
  4. To the extent practicable, these signs must be in the primary language of the occupants, be readily visible, and securely affixed in such a way that prevents their loss or unintentional removal.
  5. The signs must remain in place and readable until cleaning verification or acceptable clearance, as applicable, is achieved.
- B.** For LHR projects, the worksite must be secured against unauthorized entry by changing locks and/or the addition of padlocks to all entrances to an interior containment area, when practicable, provided that the entrance(s) can be locked without violating building safety or fire codes regarding means of egress.
1. For the purposes of this Part, the following persons are permitted to enter an LHR containment area:
    - a. A licensed lead professional employed by the Lead Contractor;
    - b. An appropriately trained, licensed, and supervised subcontractor of the Lead Contractor;

- c. A Federal, State or local inspector/enforcement official with jurisdiction over one (1) or more of the activities within the work area;
  - d. A tenant only to access a common hallway when no other means of access or egress is available; and
  - e. Specialized trades people (e.g. plumbers, electricians) only when responding to an emergency, provided that a detailed explanation is submitted in writing to the Department on the next business day.
2. The following persons may enter a containment area only when accompanied by a Lead Supervisor, as appropriate:
  - a. The property owner or agent; or
  - b. An agent of a lender with a security interest in the dwelling.
3. The Lead Supervisor, who accompanies a person authorized to enter a containment area pursuant to this Section, shall warn such person of the danger of entering a containment area without respiratory protection.
4. The Lead Supervisor shall ensure that all persons who enter an LHR containment area print and sign their names in the access logbook, to document the date and time entering and leaving the containment area and include their lead professional license number or affiliation and reason for entering the containment area.

#### **12.5.4 Containment**

##### **A. Interior Containment.**

1. Before beginning any RRP, LHC, or LHR project, the Lead Renovator or Lead Supervisor, as applicable, shall ensure that any interior work area is contained so that no lead dust, paint chips, or other debris leave a work area while the work is in progress.
2. The Lead Renovator or Lead Supervisor, as applicable, shall ensure that containment is installed in such a manner that it does not interfere with occupant or worker egress in an emergency.
3. For LHR projects, the thickness of the polyethylene sheeting must be six (6) mils.
4. Critical barriers between work areas and non-work areas must be constructed. Barriers must consist of at least one (1) layer of polyethylene sheeting, sized to minimize seams, and be attached securely in place with duct tape.

5. All windows and doors in the work area must be closed.
6. Windows which open to an enclosed area must be securely locked or sealed with polyethylene sheeting and duct tape.
7. Doors used as an entrance to the work area must be covered with two (2) layers of polyethylene sheeting in a manner that allows workers to pass through while confining dust and debris to the work area.
8. A physical barrier, such as a cone or warning tape, must be placed outside the entry to the work area if the entry is not a door.
9. Installed carpeting may be removed and disposed, pursuant to § 12.5.12 of this Part, at the beginning of the project and the exposed subfloor must be covered with polyethylene sheeting secured with duct tape.
10. Floors, including any remaining installed carpeting in the work area, must be covered with polyethylene sheeting secured with duct tape.
11. If using chemical strippers, a second (2nd) smaller layer of floor sheeting must be placed immediately below the work area and duct taped to the top of the first (1st) layer.
12. When the RRP or LHC work area encompasses less than the entire dwelling unit, interior room, or common area, floor covering is required as follows:
  - a. All installed carpets in the room or area must be completely covered with at least one (1) layer of polyethylene sheeting secured with duct tape.
  - b. Uncarpeted floors must be covered a minimum of six feet (6') in all directions around the paint being disturbed or a sufficient distance to contain the dust, whichever is greater.
  - c. Disposable tack pads may be duct taped to an outer corner of the polyethylene sheeting to remove dust from feet. If used, the tack pads must be replaced at least once each day.
13. Containment may stop at the edge of the vertical barrier when using a vertical containment system consisting of impenetrable barriers that extend from the floor to the ceiling and are tightly sealed at joints with the floor, ceiling and walls.
14. All HVAC equipment in or passing through the work area must be shut down and locked out. All intake and exhaust openings, as well as any seams in system components within the work area, must be sealed with polyethylene sheeting and/or duct tape.

15. All other openings between work areas and non-work areas, including but not limited to, doorways, drains, ducts, grills, grates, and diffusers must be sealed with polyethylene sheeting and duct tape.
16. The Lead Renovator or Lead Supervisor, as applicable, shall maintain the integrity of the containment by ensuring that the containment materials are not torn or displaced, and taking any other steps necessary to ensure that no lead dust, paint chips, or other debris leaves the work area during RRP, LHC, or LHR activities.
17. The interior work area(s) must be secured against unauthorized entry at the end of each workday.
18. At the conclusion of each workday and at the conclusion of the project, waste that has been collected from the work activities must be stored under containment, in an enclosure, or behind a barrier outside of the work area which prevents access by unauthorized persons prior to removal for disposal.

B. Exterior Containment

1. All toys and play equipment, including sandboxes, and outdoor furnishings within a minimum of fifty feet (50') from the work area and/or any other distance which spent abrasive, paint, particulate, dust and/or other debris may travel must be removed or covered with an impenetrable material.
2. A twenty-foot (20') perimeter around the work area must be established, if space permits. Access can be limited with cones, sawhorses, and/or warning tape.
3. Doors used as entrances to the work area must be covered with two (2) layers of polyethylene sheeting in a manner that allows workers to pass through while confining dust and debris to the work area.
4. All windows and doors that are within twenty feet (20') of the work area must be closed. On multi-story buildings, all windows and doors within twenty feet (20') of the work area on the same floor and all windows and doors on all floors below, which are the same horizontal distance, must be closed.
5. If using abrasive blasting or mechanical paint removal equipment, all windows and doors on walls which will be disturbed must be closed and securely sealed from the outside. Air conditioning units on those walls must be turned off and covered with polyethylene sheeting secured with duct tape.
6. The ground below the work area must be covered with an impenetrable material to keep any and all spent abrasive, paint, particulate, dust, and/or

other debris from being deposited on the ground. The ground sheeting must extend a minimum of ten feet (10') from the work area, if space permits. The ground sheeting must be attached by staking, weighing down, or any other method to ensure that it remains in place during the work activities.

7. Vertical containment shrouds must be erected if space does not permit the ground sheeting to extend a minimum of ten feet (10') from the work area and/or if there is visible movement of abrasive material, paint, dust, and/or other debris beyond the ground sheeting.
8. At the conclusion of each workday and at the conclusion of the project, waste that has been collected from the work activities must be stored under containment, in an enclosure, or behind a barrier outside of the work area which prevents access by unauthorized persons prior to disposal.

### **12.5.5 Special Requirements in Common Area Hallways**

#### **A. General Requirements**

1. Whenever an RRP, LHC, or LHR project is being conducted in a common area hallway of an occupied multi-unit dwelling, the Lead Renovator or Lead Supervisor, as applicable, shall ensure the following:
  - a. All building and fire code requirements for means of egress are maintained; and
  - b. All residents and pets use alternative entrances and exits which do not require passage through a containment area.

#### **B. Two (2) Common Hallways**

1. When two (2) separate common hallways are available for entrance and exit from occupied dwelling units, the Lead Renovator or Lead Supervisor, as applicable, shall:
  - a. Conduct the RRP, LHC, or LHR work in one (1) hallway at a time, and successfully pass the cleaning verification procedure or dust wipe clearance, as applicable, in the first (1st) hallway before beginning work in the second (2nd) hallway; and
  - b. Instruct all affected residents in writing to use only the hallway, which is not undergoing RRP, LHC, or LHR work.

#### **C. One (1) Common Hallway**

1. When only one (1) common hallway is available for entrance and exit from occupied dwelling units, the Lead Renovator or Lead Supervisor, as applicable, shall:
  - a. Ensure that the affected dwelling units are vacated until after successfully passing the cleaning verification procedure or dust wipe clearance; or
  - b. Ensure that all occupants of the units which have access to the common hallway:
    - (1) Received written notification specifying the dates and times of reduced hallway access and stating that children should not be allowed to linger or play in the hallway until after the area achieves cleaning verification or dust wipe clearance, as applicable; and
    - (2) Exit the building each day before the start of any RRP, LHC, or LHR work activities in the hallway and before setting up hallway containment; and
    - (3) Do not return until after completion of the day's work and required cleaning.
2. Conduct a thorough cleaning at the end of each workday in the common hallway before any tenants can gain access to the hallway. The cleaning must include the packaging and removal of all lead-containing debris, followed by a HEPA vacuum/wet wash sequence, pursuant to § 12.6 of this Part, until no visible dust remains.

#### **12.5.6 Additional Requirements for Interior Mechanical Paint Removal**

- A. In addition to the interior containment requirements in § 12.5.4 of this Part, the following containment is also required for interior mechanical paint removal, to the maximum extent feasible:
  1. Floor sheeting must consist of two (2) layers of six (6) mil polyethylene;
  2. Wall sheeting must consist of one (1) layer of six (6) mil polyethylene sheeting;
  3. All windows and doors in the containment area must be covered and sealed with two (2) layers of six (6) mil polyethylene sheeting and duct tape; and
  4. If baseboards are present, the floor/baseboard and baseboard/wall joints must be:

- a. HEPA vacuumed and then caulked; or
- b. Sealed with an additional layer of six (6) mil polyethylene sheeting attached with duct tape above the top of the baseboard, extending down the wall and out onto the floor at least six inches (6") from the wall, and secured with duct tape.
- c. If an additional layer of polyethylene sheeting is used to cover the baseboard area, this sheeting must not be removed until all demolition and/or LHR work above the baseboard has been completed.

### **12.5.7 Additional Requirements for Demolition Activities**

- A. Using hammers or other tools that impact the integrity of a building component is considered demolition for the purposes of this Part. Projects that include interior demolition, including, but not limited to, partial demolition of a structure, total interior strip-outs, selective interior demolition, interior structural deconstruction, and gut rehabilitation must be conducted in accordance with the lead-safe work practice requirements § 12.5 of this Part and the following additional requirements:
  1. All RRP, LHC, or LHR projects which include demolition must also comply with the Department's Rules and Regulations for Asbestos Control (Part [1](#) of this Subchapter).
  2. RRP, LHC, or LHR projects which include exterior demolition must also comply with DEM Regulation Fugitive Dust ([250-RICR-120-05-5](#)).
- B. In addition to the interior containment requirements in § 12.5.4 of this Part, the following containment is also required for interior demolition, to the maximum extent feasible:
  1. Floor sheeting must consist of two (2) layers of six (6) mil polyethylene;
  2. Wall sheeting must consist of one (1) layer of six (6) mil polyethylene sheeting;
  3. All windows and doors in the containment area must be covered and sealed with two (2) layers of six (6) mil polyethylene sheeting and duct tape; and
  4. If baseboards are present, the floor/baseboard and baseboard/wall joints must be:
    - a. HEPA vacuumed and then caulked; or

- b. Sealed with an additional layer of six (6) mil polyethylene sheeting attached with duct tape above the top of the baseboard, extending down the wall and out onto the floor at least six inches (6") from the wall, and secured with duct tape.
- c. If an additional layer of polyethylene sheeting is used to cover the baseboard area, this sheeting must not be removed until all demolition and/or RRP, LHC, or LHR work above the baseboard has been completed.

### **12.5.8 Paint Treatment Options**

- A. The following lead-based paint remedies are approved by the Department and may be used as standard treatments for painted surfaces assumed to contain lead-based paint. Treatments which temporarily reduce lead exposure are considered interim controls and require ongoing monitoring and maintenance. Treatments that can be expected to permanently eliminate or reduce lead exposure for at least twenty (20) years under normal conditions are considered lead abatement.
- B. Paint Stabilization
  - 1. Lead-based paint stabilization is an interim control which includes surface preparation, specified in Lead Safe Work Practices Guidance, and the application of new protective coatings or paint.
    - a. No known or assumed lead-based paint should be in a damaged condition. As a minimum, all lead-based paint must be stabilized to an intact condition.
- C. Paint Removal
  - 1. Lead-based paint removal includes stripping, scraping, or other methods to remove paint from a substrate. Because it is extremely difficult to completely remove all lead from a painted surface, stripped components may not meet the lead-safe standards in § 12.7 of this Part and § 5.8 of this Subchapter.
    - a. The following lead-based paint removal methods are prohibited at a regulated facility or for compensation at target housing under all conditions:
      - (1) Dry hand scraping, except for within one foot (1') of electrical outlets;
      - (2) Dry hand sanding, except for "feathering" of previously treated interior painted surfaces;

- (3) Using a heat gun or other heated device, which chars paint, or at surface temperatures at or above one thousand one hundred degrees Fahrenheit (1100° F);
  - (4) Open flame burning or torching;
  - (5) Using paint strippers which are flammable or contain methylene chloride or using volatile strippers in a poorly ventilated space;
  - (6) Using mechanical paint removal equipment without a shroud or containment system equipped with a HEPA vacuum, and/or with a sanding or scraping disk wider than the direct surface upon which it is being used;
  - (7) Using dry abrasive blasting equipment not controlled by a HEPA vacuum system on exterior surfaces;
  - (8) Using dry abrasive blasting equipment on interior surfaces;
  - (9) Uncontained hydro blasting, including but not limited to, using wet abrasive blasting equipment, and pressure or power washing;
  - (10) Any other interior methods not approved by the Department;
  - (11) Any other exterior methods not approved by DEM Office of Air Resources; and/or
  - (12) Any treatment in violation of local municipal building codes.
- b. Approved Methods. The following paint removal methods are approved for use at a regulated facility or for compensation at target housing when lead based paint is disturbed for any reason.
- (1) Wet hand scraping or sanding;
  - (2) "Feathering" of previously treated interior painted surfaces;
  - (3) Using heat guns that do not char paint or exceed one thousand one hundred degrees Fahrenheit (1100° F);
  - (4) Paint stripping in adequately ventilated areas using non-flammable chemical strippers that do not contain methylene chloride;
  - (5) Using shrouded mechanical paint removal equipment controlled by a HEPA vacuum system, provided that any and

all spent abrasive, paint, particulate, dust, and/or other debris generated by the operations is immediately collected by the system, and provided that no sanding or scraping disk is wider than the direct surface upon which it is being used;

- (6) Using exterior dry abrasive blasting equipment controlled by a HEPA vacuum system, provided that any and all spent abrasive, paint, particulate, dust, and/or other debris generated by the operations is immediately collected by the system, or a vacuum blast system used in accordance with the manufacturer's guidelines;
- (7) Using exterior wet abrasive blasting equipment provided that a vertical containment system that prevents any and all fallout generated by the operation from traveling beyond the ground containment is used. Additionally, any and all liquid waste generated by the operation must be adequately contained and handled in accordance with applicable waste disposal Regulations.
- (8) Any other interior methods approved in writing by the Department; or
- (9) Any other exterior methods approved in writing by DEM Office of Air Resources.

### **12.5.9 Special Requirements for Friction and Impact Surfaces**

#### **A. Friction Surfaces**

1. Remediation of friction surfaces must eliminate friction points or treat the friction surface so that lead-based paint is not subject to abrasion and/or dust generation caused by normal use such as opening a double-hung wooden window, closing a door that binds with its frame, or foot traffic on floors and stairs. Lead-based paint removal methods, which do not result in friction surfaces meeting the lead-safe standards in § 12.7 of this Part and § 5.8 of this Subchapter require additional interim controls.

#### **B. Impact surfaces**

1. Remediation of impact surfaces is required when lead-based paint on an impact surface is damaged, abraded, rubbed, impacted or otherwise deteriorated and/or the damaged lead-based paint is caused by impact from a related building component such as a doorknob that knocks into a wall, or a door that hits against its frame. Treatments for impact surfaces must protect the lead-based paint from impact.

### **12.5.10 Covering Painted Surfaces**

A. Encapsulation

1. Encapsulation is a process that makes lead-based paint inaccessible by providing a barrier between the lead-based paint and the environment. Depending on the circumstances and product, encapsulation may be used to achieve abatement that can be expected to eliminate exposure to lead-based paint for at least twenty (20) years under normal conditions.
2. For the purposes of this Part, liquid encapsulation products that are not applied to at least the minimum dry film thickness at which the coating met the applicable ASTM standard are considered an interim control.
3. For the purposes of this Part, the encapsulation product or system must be guaranteed by the manufacturer to perform for at least twenty (20) years in locations and conditions like those of the planned application and the installation process must be approved in advance by the Department to be considered a form of abatement.
4. The encapsulation process must meet all requirements for the manufacturer's twenty (20) year warranty, including but not limited to, surface assessment testing, proper preparation, approved primers, application methods, number and thickness of coats, periodic monitoring and touch up as necessary. Warranties solely against manufacturer's defects are insufficient.

B. Enclosure

1. Enclosure is the installation of a rigid, durable barrier that is mechanically fastened to building components, with all edges and seams sealed with caulk or another sealant. Enclosure may be used to achieve abatement that can be expected to eliminate exposure to lead-based paint for at least twenty (20) years under normal conditions.

**12.5.11 Removing/Replacing Painted Components**

A. Removal of lead-painted building components and/or replacement with lead-free components is a permanent treatment.

1. Components may be removed intact and replaced, as specified in the Lead Safe Work Practices Guidance Document.
2. Using hammers or other tools that impact the integrity of a building component is considered demolition for the purposes of this Part. There is no *de minimis* for demolition.

B. Component removal and replacement must be done in compliance with all applicable building codes. For some preservation projects, component removal, replacement, or demolition may not be permitted.

## 12.5.12 Dust Treatment Options

- A. Cleaning of lead-contaminated dust that was not generated by RRP, LHC, or LHR activities does not require lead professional licensure by the Department but must follow the lead-safe work practices in this Section. This includes immediate cleanup after spot removal or minor repair and maintenance activities.
- B. Disturbing painted surfaces in excess of the spot removal *de minimis* to remediate known or assumed sources of lead-contaminated dust requires lead professional licensure by the Department and is subject to all applicable lead-safe work practice requirements of this Part.
- C. Prohibited Cleaning Methods
  - 1. The following cleaning methods are prohibited in all areas that contain known or suspected lead-contaminated dust, paint chips, or debris.
    - a. Dry sweeping; and/or
    - b. Using a vacuum cleaner which is not a true HEPA vacuum.
- D. Approved Cleaning Methods
  - 1. The following cleaning methods are standard treatments for cleaning lead-contaminated dust:
  - 2. Bare Surfaces
    - a. Uncarpeted floors and other hard surfaces must be cleaned by a process of:
      - (1) HEPA vacuuming;
      - (2) Wet washing with detergent;
      - (3) Rinsing with clean water, changing rinse water often;
      - (4) Followed by a final HEPA vacuuming; and
      - (5) Repeating the above sequence until no visible dust remains.
  - 3. Covered Surfaces
    - a. Surfaces covered by a rug, carpeting, upholstery, or fabric must be cleaned as follows:
      - (1) Lead-contaminated upholstery or fabrics must be thoroughly vacuumed using a HEPA vacuum, followed by steam

extraction cleaning or another appropriate professional cleaning, if necessary.

- (2) Installed carpeting that will not be removed must be thoroughly vacuumed using a HEPA vacuum with a beater bar attachment, followed by steam extraction cleaning or another appropriate professional cleaning, if necessary.
- b. Protective measures must be used to prevent the spread of dust during removal of a rug, carpeting, or padding by:
- (1) HEPA vacuuming the rug, carpeting, and/or padding using a beater bar attachment;
  - (2) Misting the rug, carpeting and/or padding with water;
  - (3) Cutting the rug, carpeting, and/or padding into pieces of a manageable size and weight, if necessary;
  - (4) Bagging or wrapping and sealing the pieces of the rug, carpeting, and/or padding before removing them from the room or area; and
  - (5) HEPA vacuuming and wet washing the floor surface, underneath where the rug, carpeting, and/or padding was removed, using the process specified in § 12.5.12(D)(2) of this Part.

### **12.5.13 Soil Treatment Options**

A. There are no standard treatments for soil. Approved treatments for soil depend upon the actual concentration of lead in the soil. The appropriate treatment must be used in order to meet the lead-safe standards in § 12.7 of this Part and § 5.8 of this Subchapter.

1. General Requirements
  - a. Remediation of soil hazards does not require licensure by the Department but must follow the lead-safe work practices in this Section.
  - b. All work that disturbs lead-contaminated soil must be performed while the soil is wet or damp to minimize the creation of dust.
  - c. Excavated lead-contaminated soil must be handled and disposed pursuant to all DEM and DOT requirements.
2. Prohibited Methods

- a. Dry raking or shoveling of known or reasonably suspected lead-contaminated soil is prohibited.
  - b. Dry sweeping of known or suspected lead-contaminated soil, dust, paint chips, and/or other debris is prohibited.
  - c. Relocating excavated lead-contaminated soil to any area of the premises that does not require soil remediation is prohibited.
  - d. Any treatment in violation of local municipal codes is prohibited.
3. Lead in Soil: less than four hundred (400) ppm.
  - a. No action is required for lead concentrations in soil below the lead-safe threshold in § 12.7 of this Part and § 5.8 of this Subchapter.
4. Treatment options for bare soil with lead concentrations of four hundred (400) ppm to less than one thousand two hundred (1,200) ppm include:
  - a. Interim control by complete covering of the existing soil with mulch to a depth of at least six inches (6"); stone or gravel to a depth of at least four inches (4"); lead-safe soil to a depth of at least three inches (3"); sod, new grass, or other live ground cover; if area to be controlled is heavily traveled this may not be appropriate.
  - b. Abatement by excavating and removing existing soil, pursuant to all applicable DEM Regulations, to a depth of at least three inches (3") followed by replacement of at least three inches (3") of lead-safe soil;
  - c. Abatement by permanent covering with pavement; or
  - d. A site-specific remediation plan approved in writing by the Department.
5. Treatment options for bare soil with lead concentrations of one thousand two hundred (1,200) ppm to less than five thousand (5,000) ppm include:
  - a. Interim control by leaving existing soil in place and installing landscaping fabric along with adequate containment to avoid erosion, followed by covering pursuant to § 12.5.13(A)(4)(a) of this Part;
  - b. Interim control by tilling existing soil with lead-safe soil to reduce the concentration of lead to less than one thousand two hundred (1,200) ppm, followed by covering pursuant to § 12.5.13(A)(4)(a) of this Part;

- c. Abatement by excavating and removing existing soil, pursuant to all applicable DEM Regulations, to a depth of at least three inches (3") followed by replacement of at least three inches (3") of lead-safe soil;
  - d. Abatement by permanent covering with pavement; or
  - e. A site-specific remediation plan approved in writing by the Department.
6. Treatment options for soil with lead concentrations of five thousand (5,000) ppm or greater include:
- a. Abatement by excavating and removing existing soil, pursuant to all applicable DEM Regulations, to a depth of at least six inches (6") followed by replacement of at least six inches (6") of lead-safe soil;
  - b. Abatement by permanent covering with pavement; or
  - c. A site-specific remediation plan approved in writing by the Department

#### **12.5.14 Water Treatment Options**

A. There are no standard treatments for water. Approved treatment options for drinking water depend upon the type of sample collected and the resulting lead concentration in the sample. The appropriate treatment(s) must be used in order to meet the lead-safe standards in § 12.7 of this Part and § 5.8 of this Subchapter.

- 1. General Requirements
  - a. Remediation of lead in drinking water does not require licensure by the Department but must follow the lead-safe work practices of § 12.5.14 of this Part.
  - b. Replacing pipes, joints, couplings or plumbing fixtures may require licensure by the Department of Labor and Training (DLT) and/or a permit from the municipality where the property is located.
  - c. Any treatment in violation of local municipal code is prohibited.
- 2. First Draw Samples
  - a. Lead in Water: less than fifteen (15) ppb.

- (1) No action is required for lead concentrations below the lead-safe threshold in § 12.7 of this Part and § 5.8 of this Subchapter.
  - b. Lead in Water: fifteen (15) ppb to less than five hundred (500) ppb.
    - (1) Analysis of a flushed water sample is required for a lead concentration above the lead-safe threshold in § 12.7 of this Part and § 5.8 of this Subchapter; the treatment will be determined by the result of the flushed sample.
  - c. Lead in Water: five hundred (500) ppb or greater.
    - (1) The owner shall provide bottled water for the occupants drinking and cooking until the lead-safe standards in § 12.7 of this Part and § 5.8 of this Subchapter are achieved;
    - (2) The sampled tap(s), and any other taps used for drinking or cooking, must be labeled with at least the following text: "Lead Warning: Do not use for drinking or cooking". To the extent practicable, the lead warning must be in the primary language of the occupants; and
    - (3) All lead-containing pipes, soldered joints, couplings, and fixtures must be replaced with lead-free materials; or
    - (4) A site-specific remediation plan must be approved in writing by the Department for each dwelling unit.
3. Flushed Samples
  - a. Lead in Water: less than fifteen (15) ppb.
    - (1) The owner shall instruct the occupants to use only cold water for drinking and cooking; and
    - (2) Flush the tap(s) before using any water for drinking or cooking.
  - b. Lead in Water: fifteen (15) ppb to less than one hundred (100) ppb.
    - (1) The owner shall provide bottled water for drinking and cooking until the lead-safe standards in § 12.7 of this Part and § 5.8 of this Subchapter are achieved;
    - (2) The sampled tap(s), and any other taps used for drinking or cooking, must be labeled with at least the following text: "Lead Warning: Do not use for drinking or cooking". To the

extent practicable, the lead warning must be in the primary language of the occupants;

- (3) All lead-containing pipes, soldered joints, couplings and fixtures must be replaced with lead-free materials; or
- (4) The owner may request a temporary variance from the Department to install a State approved NSF-53 certified water filtration system capable of reducing lead concentrations in drinking water, and sign a consent agreement with the Department to maintain the filtration system in accordance with the manufacturer's specifications; or
- (5) A site-specific remediation plan must be approved in writing by the Department for each dwelling unit.

c. Lead in Water: greater than one hundred (100) ppb.

- (1) The owner shall provide bottled water for drinking and cooking until the lead-safe standards in § 12.7 of this Part and § 5.8 of this Subchapter are achieved;
- (2) The sampled tap(s), and any other taps used for drinking or cooking, must be labeled with at least the following text: "Lead Warning: Do not use for drinking or cooking". To the extent practicable, the lead warning must be in the primary language of the occupants;
- (3) All lead-containing pipes, soldered joints, couplings and fixtures must be replaced with lead-free materials; or
- (4) A site-specific remediation plan must be approved in writing by the Department for each dwelling unit.

4. After plumbing work is completed, either:

- a. Remove faucet aerators and flush the supply pipes by letting them run for several minutes to remove small pieces of loose solder. Any debris from the faucet aerators must be cleaned before reinstalling the faucet aerator. The water must then be retested; or
- b. Install new faucet aerators and retest the water.
- c. The water filtration system(s) must be maintained in accordance with the manufacturer's specifications.

## 12.6 Cleaning

### A. Interior Cleaning

1. The Lead Renovator or Lead Supervisor, as applicable, shall be responsible to ensure that all surfaces in the containment area(s) and any areas outside any containment area that were contaminated with visible dust, paint chips, or other debris from the RRP, LHC, or LHR work, are cleaned in accordance with the following procedures:
  - a. Preliminary cleanup must be performed by HEPA vacuuming the containment area, carefully removing all protective coverings except containment barriers, misting the polyethylene sheeting with water, then carefully folding the sheeting upon itself to trap all dust, and bagging or sealing the sheeting with duct tape.
  - b. For non-mechanical paint removal, final cleanup must begin no sooner than one (1) hour after preliminary cleanup was completed to ensure that airborne dust has time to settle.
  - c. For mechanical paint removal, final cleanup must begin no sooner than twenty-four (24) hours after preliminary cleanup was completed to ensure that airborne dust has time to settle.
  - d. Final cleanup must consist of HEPA vacuuming all surfaces in the containment area, followed by wet cleaning and changing rinse water as often as necessary, then a second HEPA vacuuming of those surfaces. This sequence of vacuuming, wet cleaning, rinsing, and vacuuming must be repeated until no visible residue is observed in the containment area or adjacent to the containment area. Particular attention must be made to floor, baseboard, and wall joints to ensure that no dust, paint chips, or other debris remains.
  - e. When the RRP or LHC work area encompasses less than the entire dwelling unit, interior room, or common area, floor cleaning is required as follows:
    - (1) Uncarpeted floors must be cleaned a minimum of two feet (2') beyond the contained work area.
    - (2) Carpeted floors in the entire room or common area must be cleaned using a HEPA vacuum with a beater bar attachment.
  - f. HVAC system ductwork must be decontaminated, and system filters replaced if the ductwork was contaminated during the RRP, LHC, or LHR work.

- g. In addition, any areas outside the work area that were contaminated with visible dust, paint chips, or other debris must be cleaned using the above sequence of vacuuming, wet washing, rinsing, and vacuuming until no visible residue is observed outside the containment area. Particular attention must be made to pathways used to access work area(s) and pathways used to remove waste from work area(s).
- h. Precautions must be taken to ensure that all workers, tools, waste containers, and other items leaving a work area are free from dust, paint chips, and/or other debris. The removal of lead from PPE, tools, etc., by blowing, shaking, or any other means which disperses lead into the air is prohibited.
- i. All lead-containing waste materials must be wrapped, bagged, or placed in an appropriate container for storage and disposal.
- j. At the conclusion of the RRP, LHC, or LHR work activities, the Lead Renovator or Lead Supervisor, as applicable shall conduct a visual inspection to verify that no visible dust, paint chips, or other debris remain, and the project is ready for the cleaning verification procedure or a clearance inspection, as applicable.
- k. Cleaning verification or dust wipe sampling must begin no sooner than one (1) hour after final cleanup was completed to ensure that airborne dust has time to settle.
- l. Containment barriers and warning signs must not be removed until cleaning verification meets the EPA standards in 40 C.F.R. Part 745.85(b), or the Lead Renovator or Lead Supervisor, as applicable, is notified by the Lead Inspector who conducted the clearance inspection, that the work areas are safe for re-occupancy.

## B. Exterior Cleaning

- 1. At the end of each workday:
  - a. If a dry removal procedure was used, any and all spent abrasive, paint, particulate, dust, and/or other debris present on the ground sheeting and/or other containment materials must be misted with water, collected, and placed in an appropriate container.
  - b. The Lead Renovator or Lead Supervisor, as applicable, shall 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 escaped containment. If any spent abrasive, paint, particulate, dust and/or other debris

generated by the operations is observed, it must be collected and placed in an appropriate container.

- c. Any and all liquid waste must be collected and stored in appropriate containers.
- d. Precautions must be taken to ensure that all workers, tools, waste containers, and other items leaving a work area are free from dust, paint chips, and/or other debris. The removal of lead from PPE, tools, etc., by blowing, shaking, or any other means which disperses lead into the air is prohibited.
- e. Ground sheeting, vertical shrouds, other containment materials, and waste containers should be stored in a secure area not easily accessible to the public prior to removal for disposal.

2. At project completion:

- a. Any and all spent abrasive, paint, particulate, dust, and/or other debris present on the ground sheeting and/or other containment materials must be misted with water, collected, and placed in an appropriate container. The sheeting must then be carefully folded upon itself and sealed with duct tape or bagged and goose necked.
- b. The Lead Renovator or Lead Supervisor, as applicable, shall 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 project is observed, it must be collected and placed in an appropriate container.
- c. All waste must be contained to prevent the release of dust and debris when transported from the work areas.
  - (1) All liquid waste must be collected in appropriate containers.
  - (2) Any and all bags and waste containers must be securely sealed.
- d. Precautions must be taken to ensure that all workers, tools, waste containers, and other items leaving a work area are free from dust, paint chips, and/or other debris. The removal of lead from PPE, tools, etc., by blowing, shaking, or any other means which disperses lead into the air is prohibited.

### 12.6.1 RRP Cleaning Verification

- A. The Lead Renovator shall clean the work area(s) pursuant to the EPA standards for renovation activities in 40 C.F.R. § 745.85(a)(5).
- B. Cleaning verification need not be performed if the contract between the Lead Renovation Firm and the owner requires dust clearance sampling at the conclusion of the RRP project.
- C. If the cleaning verification procedure is performed, the work area(s) must meet the EPA standards for post-renovation cleaning verification in 40 C.F.R. § 745.85(b) and be documented on the RRP checklist.
- D. Unless the cleaning verification procedure is performed, an RRP Clearance Inspection with dust wipe sampling is required. If dust wipe sampling is performed, cleaning verification is no longer an option.
- E. The dust clearance samples must be collected by a Department-licensed Lead Inspector or Lead Assessor pursuant to Part 5 of this Subchapter and analyzed by a laboratory certified pursuant to Part 11 of this Subchapter.
- F. The Lead Renovation Firm must re-clean the work area(s) until the dust clearance sample results are below the lead-safe standards in § 12.7 of this Part and § 5.8 of this Subchapter.

### **12.6.2 Clearance Inspections**

- A. The purpose of a Clearance Inspection is to:
  - 1. Determine that the scope of work is completed and documented in a lead inspection report;
  - 2. The child care center, single-family house, dwelling unit and common areas, or work area(s) were adequately cleaned;
  - 3. Any environmental lead testing results meet the lead-safe standards in § 12.7 of this Part and § 5.8 of this Subchapter; and
  - 4. The child care center, single family house, dwelling unit and common areas, or work area(s), as applicable are safe for re-occupancy.
- B. For RRP or LHC projects, the clearance inspection may be a “work area” or “whole unit” inspection which includes interior paint, exterior paint, interior dust, exterior soil, and/or drinking water, as applicable. For LHR projects, the clearance inspection must be a “whole unit” inspection.
- C. Upon notification that the Clearance Inspection failed the visual assessment, the Lead Renovator or Lead Supervisor, as applicable, shall ensure that the remaining work and/or cleaning, specified by the Lead Inspector who conducted

the inspection, is completed and all surfaces are free of visible dust, paint chips, or other debris.

- D. Upon notification that one (1) or more dust samples failed to meet the lead-safe standards in § 12.7 of this Part and § 5.8 of this Subchapter, the Lead Renovator or Lead Supervisor, as applicable, shall ensure that the final cleanup procedures are repeated, pursuant to § 12.6 of this Part.
  - 1. Subsequent dust sampling must include dust wipes from the entire child care center, single-family house, dwelling unit, common area, or work area, as applicable, not just the location(s) where the previous failed sample(s) were obtained.
- E. Upon notification that one (1) or more soil samples failed the Clearance Inspection, the Lead Renovator or Lead Supervisor, as applicable, shall arrange for the additional work required to meet the lead-safe standards in § 12.7 of this Part and § 5.8 of this Subchapter.
- F. Upon notification that one (1) or more water samples failed the Clearance Inspection, the Lead Renovator or Lead Supervisor, as applicable, shall arrange for any additional work required to meet the lead-safe standards in § 12.7 of this Part and § 5.8 of this Subchapter.
- G. At the conclusion of an LHC project:
  - 1. A work area or whole unit clearance inspection, as applicable, must be performed to document that the lead hazards were corrected and the child care center, single family house, dwelling unit and common areas, or work area(s) are safe for re-occupancy; or
  - 2. An LHM Inspection may be performed to obtain a Certificate of Lead Conformance (LHM-2-1); or
  - 3. A Comprehensive Environmental Lead Inspection may be performed to obtain a Conditional Lead-Safe Certificate (Form PBLC-15) or a Full Lead-Safe Certificate (Form PBLC-21), as applicable.
- H. At the conclusion of an LHR project:
  - 1. A Conditional Lead-Safe Certificate (Form PBLC-15) or Full Lead Safe Certificate (Form PBLC-21) is required.
  - 2. A Comprehensive Environmental Lead Inspection must be performed pursuant to Part 5 of this Subchapter in lieu of a Clearance Inspection if an initial Comprehensive Environmental Lead Inspection was not performed.

### **12.6.3 Waste Storage and Disposal**

A. All lead-containing waste must either be disposed of daily or stored in a secure location to prevent access by unauthorized persons prior to disposal.

1. Solid Waste

a. All solid waste from an RRP, LHC, or LHR project must be contained to prevent the release of dust, paint chips and/or other debris before the waste is removed from the work area(s) and/or project site for storage and/or disposal by:

- (1) Collecting paint chips and small debris in single six (6) mil or double four (4) mil polyethylene trash bags, or appropriate containers;
- (2) Storing larger building components in containers or wrapping bulk debris such as doors, windows, and woodwork in six (6) mil polyethylene sheeting and sealing with duct tape;
- (3) Using a covered chute to remove waste from the work area(s);
- (4) Using a covered dumpster to store waste until the project is completed; and/or
- (5) Using another method approved in writing by DEM Office of Waste Management.

2. Residential Waste

a. Solid waste materials generated at residential facilities are generally considered to be household waste and therefore exempt from the Rules and Regulations for Hazardous Waste Management ([250-RICR-140-10-1](#)).

b. Liquid or other waste, including chemical paint strippers, must be properly characterized by the generator in accordance with the Rules and Regulations for Hazardous Waste Management ([250-RICR-140-10-1](#)).

3. Non-Residential

a. Waste material generated at child care centers or other non-residential facilities must be properly characterized based on laboratory analysis for TCLP lead, or on knowledge of the material.

- (1) Disposable Personal Protective Equipment (PPE) and supplies, such as polyethylene sheeting, may be

characterized as non-hazardous solid waste based on knowledge of the material and properly disposed.

- (2) Manually or mechanically removed lead-based paint and wooden components or debris containing lead-based paint may be characterized as non-hazardous solid waste based on knowledge of the material and properly disposed.
- (3) Metal components containing lead-based paint may be characterized as non-hazardous solid waste based on knowledge of the material and properly disposed or recycled at a scrap metal facility.
- (4) Liquid or other waste must be properly characterized based on laboratory analysis for TCLP lead and properly disposed.
- (5) Chemical paint strippers must be properly characterized based on laboratory analysis for TCLP lead and other factors and properly disposed.

#### 4. Wastewater

- a. Water used for cleanup must never be dumped on the ground, down a storm drain, or down a sink or tub. This water must be filtered and dumped in a toilet or disposed pursuant to all applicable local water treatment authority, DEM, and DOT requirements.

#### 5. Disposal.

- a. All lead-containing waste material must be removed from the project site within seven (7) days of the project's completion.
- b. Homeowner-generated solid waste and non-hazardous solid waste may be disposed in any construction and demolition landfill or a municipal solid waste landfill. The waste must be contained in a manner that prevents the release of any dust or debris and be transported from the project site pursuant to all applicable DEM and DOT requirements.
- c. Materials characterized as hazardous waste must be transported pursuant to all DOT requirements and disposed pursuant to the Rules and Regulations for Hazardous Waste Management ([250-RICR-140-10-1](#)).

## 12.7 Environmental Lead Standards

Media		Lead Safe	Conditionally Lead Safe	Lead Hazard
Paint		All Paint	Intact Paint	Damaged Paint
		< 5,000 ppm < 1.0 mg/cm <sup>2</sup>	≥ 5,000 ppm ≥ 1.0 mg/cm <sup>2</sup>	≥ 5,000 ppm ≥ 1.0 mg/cm <sup>2</sup>
Dust	Floors	< 5 µg/ft <sup>2</sup>	N/A	≥ 5 µg/ft <sup>2</sup>
	Sills	< 40 µg/ft <sup>2</sup>	N/A	≥ 40 µg/ft <sup>2</sup>
	Wells	< 100 µg/ft <sup>2</sup>	N/A	≥ 100 µg/ft <sup>2</sup>
	Any Other Surface	< 10 µg/ft <sup>2</sup>	N/A	≥ 10 µg/ft <sup>2</sup>
Soil		All Soil	Covered Soil	Bare Soil
		< 400 ppm	≥ 400 ppm	≥ 400 ppm
Water		< 15 ppb	N/A	≥ 15 ppb

Lead clearance standards are lead concentrations or conditions that meet the full lead-safe or conditional lead-safe standards and are less than the lead hazard concentrations and conditions shown in § 12.7 of this Part.

## 12.8 Recordkeeping

- A. The Lead Renovator shall maintain the following information for each RRP or LHC project on-site for the duration of the project (when applicable):
1. Documentation of the Lead Renovation Firm's license;
  2. Documentation of the Lead Renovator(s)' certification;
  3. Documentation of training for all non-certified workers;
  4. Documentation of distribution of the Pre-Renovation Education Form PBLC-29, or the equivalent;

5. A copy of the Start Work Notification (Form PBLC-9) and any revised SWN Form PBLC-9 for the project;
  6. Copies of any correspondence with regulatory agencies concerning the project (e.g. building permits, variances, notices or orders from the Department);
  7. Lead Inspection Report, EPA Test Kit Documentation Form, EPA Paint Chip Sample Collection Form, or the equivalents by a Lead Inspector, Lead Assessor, or Lead Renovator, as applicable; and
  8. For RRP projects, the RRP checklist to be completed by the Lead Renovator.
- B. The Lead Renovation Firm shall retain and, if requested, make available to the Department all records necessary to demonstrate compliance with this Part for a period of at least three (3) years following completion of each RRP or LHC project including (when applicable):
1. All items specified in § 12.8(A) of this Part;
  2. A copy of the DEM Notification of Removal of Lead Based Paint and a list of the parties to whom it was delivered;
  3. For RRP projects, documentation of the cleaning verification procedure;
  4. A complete and accurate RRP checklist, signed by the Lead Renovator assigned to the RRP project;
  5. For LHC projects, a copy of an appropriate lead certificate issued by the Lead Inspector who conducted the clearance inspection;
  6. Documentation of compliance with the worker protection requirements of OSHA 294 C.F.R. §§ 1926.62 and 1910.1025; and
  7. Documentation of compliance with all applicable DEM and DOT Regulations for transportation and disposal of waste.
- C. The Lead Supervisor shall maintain the following information for each LHR project on-site for the duration of the project (when applicable):
1. Documentation of the Lead Contractor license;
  2. The access logbook, pursuant to § 12.5.3(B)(4) of this Part;
  3. Documentation of compliance with all applicable OSHA medical monitoring requirements (e.g. blood lead test results, respirator fit test results);

4. The methodology and results of any air sampling conducted during the LHR project;
  5. A copy of the Start Work Notification (Form PBLC-9) and any revised SWN Form-PBLC-9s;
  6. Copies of any correspondence with regulatory agencies concerning the project (e.g. all municipal building or demolition permits, and any variances, notices or orders from the Department);
  7. Interim Clearance Inspection results which document any previously completed and successfully cleared work area(s) as safe for re-occupancy; and
  8. A current copy of this Part.
- D. The Lead Contractor shall retain and, if requested, make available to the Department all records necessary to demonstrate compliance with this Part for each LHR project for a period of at least three (3) years following completion of that project including (when applicable):
1. All items specified in § 12.8(C) of this Part;
  2. Documentation of compliance with all notifications pursuant to § 12.4 of this Part;
  3. A copy of the DEM Notification of Removal of Lead Based Paint and a list of the parties to whom it was delivered;
  4. Documentation of compliance with the licensing and supervision requirements, pursuant to § 12.8 of this Part and Part 11 of this Subchapter;
  5. Documentation of compliance with OSHA 294 C.F.R. § 1926.62 and 294 C.F.R. § 1910.1025 for the project;
  6. Documentation of compliance with all applicable DEM and DOT Regulations for transportation and disposal of waste for the project; and
  7. A copy of the lead certificate(s) issued by the Lead Inspector who performed the clearance inspection.

## **12.9 Severability**

- A. If any provision of these Regulations, or the application thereof to any person or circumstance, is held to be invalid, such invalidity shall not affect other provisions or applications of the Regulations which can be given effect without the invalid

provisions or applications and to this end the provisions are declared to be severable.

**216-RICR-50-15-12**

**TITLE 216 - DEPARTMENT OF HEALTH**

**CHAPTER 50 - ENVIRONMENTAL HEALTH**

**SUBCHAPTER 15 - HEALTHY ENVIRONMENT**

**PART 12 - LEAD SAFE WORK PRACTICES (216-RICR-50-15-12)**

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**Agency Signature**

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Agency Head Signature

Agency Signing Date

**Department of State**

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Regulation Effective Date

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Department of State Initials

Department of State Date