

R307. Environmental Quality, Air Quality.

R307-840. Lead-Based Paint Accreditation, Certification and Work Practice Standards.

R307-840-1. Purpose and Applicability.

(1) Rule R307-840 establishes procedures and requirements for the accreditation of lead-based paint activities training programs, procedures and requirements for the certification of individuals and firms engaged in lead-based paint activities, and work practice standards for performing such activities. This rule also requires that, except as outlined in (2), all lead-based paint activities, as defined in this rule, must be performed by certified individuals and firms.

(2) R307-840 applies to all individuals and firms who are engaged in lead-based paint activities as defined in R307-840-2, except persons who perform these activities within residential dwellings that they own, unless the residential dwelling is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being performed, or a child residing in the building has been identified as having an elevated blood lead level.

(3) Each department, agency, and instrumentality of the executive, legislative and judicial branches of the Federal Government having jurisdiction over any property or facility, or engaged in any activity resulting, or which may result, in a lead-based paint hazard, and each officer, agent, or employee thereof shall be subject to, and comply with, all Federal, State, interstate, and local requirements, both substantive and procedural, including the requirements of R307-840 regarding lead-based paint, lead-based paint activities, and lead-based paint hazards.

(4) While Rule R307-840 establishes specific requirements for performing lead-based paint activities should they be undertaken, nothing in R307-840 requires that the owner or occupant undertake any particular lead-based paint activity.

R307-840-2. Definitions.

(1) Definitions found in 40 CFR 745.63, ~~40 CFR 745.83~~ and 40 CFR 745.223, in effect as of ~~July 6, 2005~~ ~~April 10, 2003~~, are hereby adopted and incorporated by reference, with the substitutions found in (2) below and the modifications found in (3) below.

(2) Substitutions. ~~Substitute "Executive Secretary" for all references to "EPA," except in the definition of "Recognized laboratory" found in 40 CFR 745.223.~~

(a) Substitute "the Executive Secretary" for all references to "EPA," except in the definition of "Pamphlet" found in 40 CFR 745.83 and in the definition of "Recognized laboratory" found in 40 CFR 745.223.

(b) Substitute "the Executive Secretary" for all references to "Administrator".

(3) Modifications. ~~Delete the definition of "Lead-based paint hazard" found in 40 CFR 745.223.~~

(a) Delete the definition of "Administrator" found in 40 CFR 745.83.

(b) Modify the definition of "Pamphlet" found in Sec. 745.83 by deleting the statement, ". or any State or Tribal pamphlet approved by EPA pursuant to 40 CFR 745.326 that is developed for the same purpose".

(c) Delete the definition of "Lead-based paint hazard" found in 40 CFR 745.223.

(d) Modify the definition of "Business day" found in Sec. 745.223 by including the statement, "and State of Utah" before the word "holidays".

R307-840-3. Accreditation, Certification and Work Standards: Target Housing and Child-Occupied Facilities.

(1) The following requirements, in effect as of ~~July 6, 2005~~ ~~April 10, 2003~~, are adopted and incorporated by reference, with the substitutions found in (2) below and the modifications found in (3) below:

(a) ~~40 CFR 745.61, 745.65, 745.80, 745.81, 745.82, 745.84, 745.85, 745.86, 745.88, 745.225(a) through (g) and (i), 745.226 (a) through (h), 745.227, and 745.233.~~

(2) Substitutions.

(a) Substitute "the Executive Secretary" for all references to "EPA" with the following exceptions:

(i) Sec. 745.65(d).

(ii) Sec. 745.86(b)(1).

~~(iii) Sec. 745.225(b)(1)(iii), Sec. 745.225(b)(1)(iv), Sec. 745.225(c)(2)(ii), Sec. 745.225(c)(10), Sec. 745.225(e)(5)(iii), and Sec. 745.225(e)(5)(iv).~~

~~(iv) The last reference to EPA in Sec. 745.226 (a)(1)(ii) and the second reference to EPA in Sec. 745.226(d)(1).~~

~~(v) The first three references to EPA in Sec. 745.227(a)(3), Sec. 745.227(a)(4), the second reference to EPA in Sec. 745.227(e)(4); Sec. 745.227(e)(4)(vi)(D) and Sec. 745.227(e)(4)(vi)(I) and Sec. 745.227(f)(2).~~

~~(b) Substitute "the Executive Secretary or the Executive Secretary's authorized representative" for references to "EPA" in Sec. 745.225(c)(12), Sec. 745.225(f)(4), and Sec. 745.225(i)(1).~~

(c) Substitute "the Executive Secretary" for all references to "Administrator".

(d) Substitute "R307-840" for "either Federal regulations at Sec.745.226 or a State or Tribal certification program

authorized pursuant to Sec.745.324” in Sec.745.82(b)(3).

(e) Substitute “R307-840” for “either Federal regulations at Sec.745.226 or an EPA-authorized State or Tribal certification program” in Sec.745.86(b)(1).

(f) Substitute “Sec 745.82(b)(3)” for “Sec 745.82(b)(iv)” in 40 CFR 745.86(b)(1).

(g) Substitute sample certification language found in Sec.745.88(b)(2)(ii) with that found in Sec.745.88(b)(2)(i).

(h) Substitute sample certification language found in Sec.745.88(b)(2)(i) with that found in Sec.745.88(b)(2)(ii).

(~~b~~)⁽ⁱ⁾ Substitute “the current Department of Environmental Quality Fee Schedule” for all references to “Sec. 745.238-” in Sec. 745.225(b)(4), Sec. 745.225(f)(3)(v), Sec. 745.226(a)(6), Sec. 745.226(e)(3), Sec. 745.226(f)(6) and Sec. 745.226(f)(7).

(j) Substitute “Utah Division of Air Quality electronic notification system” for “Agency’s central data exchange (CDX)” in Sec. 745.225(c)(13)(vi), Sec. 745.225(c)(14)(iii) and Sec. 745.227(e)(4)(vii).

(k) Substitute “Notification Form” for “Schedule” in Sec. 745.225(c)(13)(vi).

(l) Substitute “Utah Division of Air Quality Lead-Based Paint Program web site” for “NLIC at 1-800-424-LEAD(5323), or on the internet at <http://www.epa.gov/lead>” in Sec. 745.225(c)(13)(vi), Sec. 745.225(c)(14)(iii) and in Sec. 745.227(e)(4)(vii).

(m) Substitute “Verification Form” for “Course Follow-up” in Sec. 745.225(c)(14)(iii).

(n) Substitute “Utah lead-based paint firm” for “EPA” in Sec. 745.227(e)(4)(vi)(D).

(o) Substitute “Utah lead-based paint individual” for “EPA” in Sec. 745.227(e)(4)(vi)(I).

(p) Substitute “Notification of Lead-Based Paint Abatement Activities” for “Lead-Based Paint Abatement Project Notification form” in Sec. 745.227(e)(4)(vii).

(~~e~~)^(q) Substitute “Sec 745.635(b)” for “Sec 745.227(b)” in 40 CFR 745.227(h)(2)(i).

(3) Modifications.

(a) Change the date in Sec. 745.81 to October 1, 2005.

(~~a~~)^(b) Change the date in Sec. 745.226(a)(5), Sec. 745.226(d)(2), Sec. 745.226(f)(1), and Sec. 745.227(a)(1) to August 30, 1999.

(~~b~~)^(c) Modify Sec. 745.225(b)(1)(iii) by deleting the statement, “or training materials approved by a State or Indian Tribe that has been authorized by EPA under subpart Q of this part.”.

(~~e~~)^(d) Modify Sec. 745.225(b)(1)(iv) by deleting the statement, “or training materials approved by an authorized State or Indian Tribe.”

(~~d~~)^(e) Modify Sec. 745.225(c)(2)(ii) by including the statement, “Executive Secretary-accredited,” before the statement “EPA-accredited.”

(f) Modify Sec. 745.225(c)(13)(v)(B) and Sec. 745.225(c)(14)(ii)(A) by deleting the statement “EPA accreditation number.”

(g) Modify Sec. 745.225(c)(14)(ii)(F) to include the statement “Utah Division of Air Quality Lead-Based Paint Program training verification statement”.

(~~e~~)^(h) Modify Sec. 745.225(e)(5)(iii) by deleting the statement, “or training materials approved by a State or Indian Tribe that has been authorized by EPA under subsection 745.324 to develop its refresher training course materials.”.

(~~f~~)⁽ⁱ⁾ Modify Sec. 745.225 (e)(5)(iv) by deleting the statement, “or training materials approved by an authorized State or Indian Tribe.”

(~~e~~)^(j) Modify Sec. 745.226 (a)(1)(ii) by including the statement, “EPA or” after the word “from.”

(~~f~~)^(k) Modify Sec. 745.226(f)(7) by deleting the statement “every 3 years.”

(~~f~~)^(l) Modify Sec. 745.227 (a)(3) by deleting the statement, “Regulations, guidance, methods, or protocols issued by States and Indian Tribes that have been authorized by EPA;”.

KEY: air pollution, paint, lead-based paint

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