

**TITLE 252. OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 110. LEAD-BASED PAINT MANAGEMENT**

SUBCHAPTER 1. GENERAL PROVISIONS

252:110-1-1. Purpose

The rules in this Chapter implement the Oklahoma Lead-based Paint Management Act, 27A O.S. ~~Supp. 1994~~, § 2-12-101 *et seq.*, as amended.

252:110-1-2. Basis and authority

The rules in this Chapter were promulgated and adopted pursuant to the Oklahoma Environmental Quality Code, 27A O.S. ~~Supp. 1993~~, § 2-1-101 *et seq.*, as amended.

252:110-1-7. Reference to 40 CFR [REVOKED]

When reference is made to Title 40 of the Code of Federal Regulations (40 CFR), it shall mean (unless otherwise specified) the Lead-based Paint Activities Regulations, 40 CFR Part 745, originally published in the *Federal Register*, Volume 61, Number 169 on August 29, 1996, and as amended and published in the *Federal Register*, Volume 66, Number 4 on January 5, 2001 and Volume 69, Number 68, on April 8, 2004.

- ~~—(1) **Inclusion of CFR citations and definitions.** When a provision of the Code of Federal Regulations is incorporated by reference, all citations contained therein are also incorporated by reference, unless specifically excluded.~~
- ~~—(2) **Inconsistencies or duplications.** In the event that there are inconsistencies or duplications in the requirements of those provisions incorporated by reference in OAC 252:110-5-1 and the regulations in this Chapter, the provisions incorporated by reference shall prevail, except where the regulations in this Chapter are more stringent.~~

SUBCHAPTER 5. INCORPORATION BY REFERENCE

252:110-5-1. Incorporation by reference

The following Sections of 40 CFR Part 745, as they exist on ~~July 1, 2004~~ August 1, 2010, are, unless otherwise specified, incorporated by reference in their entirety:

- (1) Section 745.223. Definitions, except the definitions of "Interim certification", "Business day" and "Training provider".
- (2) Section 745.225. Accreditation of training programs: target housing and child-occupied facilities, except:
 - (A) Section 745.225(a)(2) which refers to application dates.
 - (B) Section 745.225(a)(3) which refers to accreditation deadlines.
 - (C) Section 745.225(b)(3) which refers to accredited training courses.
 - (D) Section 745.225(c)(14)(iii) which refers to course notification means of submittal.
 - (E) Section 745.225(e)(5) which refers to training programs offering only refresher training courses.
 - (F) Section 745.225(f)(1) which refers to timelines for renewal accreditation of training programs.

- (G) Section 745.225(f)(2) which refers to renewal accreditation deadlines.
- (3) Section 745.226. Certification of individuals and firms engaged in lead-based paint activities: target housing and child-occupied facilities, except:
 - (A) Section 745.226(a)(2) which refers to application dates.
 - (B) Section 745.226(a)(5) which refers to enforcement dates.
 - (C) Section 745.226(b)(4) which refers to interim certification.
 - (D) Section 745.226(c)(3) which refers to interim certification.
 - (E) Section 745.226(d) which refers to certification based on prior training.
 - (F) Section 745.226(e) which refers to re-certification.
 - (G) Section 745.226(f) which refers to certification of firms.
- (4) Section 745.227. Work practice standards for conducting lead-based paint activities: target housing and child-occupied facilities, except:
 - (A) Section 745.227(a)(1) which refers to performance dates.
 - (B) Section 745.227(e)(4)(vii) which refers to abatement notification means of submittal.
- (5) Section 745.233. Lead-based paint activities requirements.
- (6) Section 745.61. Scope and applicability.
- (7) Section 745.63. Definitions.
- (8) Section 745.65. Lead-based paint hazards.
- (9) Section 745.82. Applicability.
- (10) Section 745.83. Definitions.
- (11) Section 745.84. Information distribution requirements.
- (12) Section 745.85. Work practice standards .
- (13) Section 745.86. Recordkeeping and reporting requirements.
- (14) Section 745.87. Enforcement and inspections.
- (15) Section 745.88. Recognized test kits.
- (16) Section 745.89. Firm certification.
- (17) Section 745.90. Renovator certification and dust sampling technician certification.
- (18) Section 745.91. Suspending, revoking, or modifying an individual's or firm's certification.

**SUBCHAPTER 15. ADDITIONAL RENOVATION, REPAIR,
AND PAINTING (RRP) REQUIREMENTS [NEW]**

252:110-15-1. Definitions

In addition to the definitions contained in OAC 252:110-5-1(10) and the Oklahoma Lead-based Paint Management Act, 27A O.S., § 2-12-101 *et seq.*, the following words and terms, when used in this Chapter shall have the following meaning, unless otherwise indicated.

"Minor repair and maintenance activities" are activities, including minor heating, ventilation or air conditioning work, electrical work, and plumbing, that disrupt 6 square feet or less of painted surface per room for interior activities or 20 square feet or less of painted surface for exterior activities where none of the work practices prohibited or restricted by 40 CFR §745.85(a)(3) are used and where the work does not involve window replacement or demolition of painted surface areas. When removing painted components, or portions of painted components, the entire surface area removed is the amount of painted surface disturbed. Jobs, other than emergency renovations,

performed in the same room within the same 30 days must be considered the same job for the purpose of determining whether the job is a minor repair and maintenance activity.

"RRP" means Renovation, Repair and Painting.

"Renovation" means the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement as defined by 40 CFR § 745.223. The term renovation includes (but is not limited to): the removal, modification or repair of painted surfaces or painted components (e.g., modification of painted doors, surface restoration, window repair, surface preparation activity (such as sanding, scraping, or other such activities that may generate paint dust)); the removal of building components (e.g., walls, ceilings, plumbing, windows); weatherization projects (e.g., cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, planing thresholds to install weather-stripping), and interim controls that disturb painted surfaces. A renovation performed for the purpose of converting a building, or part of a building, into target housing or a child-occupied facility is a renovation under this subpart. The term renovation does not include minor repair and maintenance activities.

"Renovation Firm" means a company, partnership, corporation, sole proprietorship or individual doing business, association, or other business entity; a federal, State, Tribal, or local government agency; or a nonprofit organization that performs renovations.

"Renovator" means an individual who either performs or directs workers who perform renovations. A certified renovator is a renovator who has successfully completed a renovator course accredited by the Department.

252:110-15-2. Scope

(a) **Certifications.** OAC 252:110-5-1(16), (17) and (18), and OAC 252:110-15-3 through -6 establish requirements for the certification of individual renovators and renovation firms.

(b) **Standards.** OAC 252:110-5-1(11), (12) and (13) set minimum standards for the performance of renovation services. Certified renovators shall follow these standards when performing renovation services.

252:110-15-3. Training programs accredited by other states or EPA

(a) **Recognition and approval required.** Within one (1) year of EPA delegation approval, a program accredited by another state or EPA must apply for and receive recognition and approval by the Department as a Department-accredited renovation training program prior to offering or conducting a renovation training course in Oklahoma.

(b) **Application.** An application for approval and recognition shall be made in the same form and manner as an application for accreditation as provided by OAC 252:110, Subchapter 9.

252:110-15-4. Renovator certification requirements

(a) **Certifications.** Certification is required for all individuals who perform or offer to perform renovation services in target housing and child-occupied facilities.

(b) **Failure to become certified.** No person shall advertise or otherwise present themselves as a certified renovator or perform or offer to perform renovation services in target housing and child-occupied facilities prior to becoming certified as such by the Department.

(c) **Other state or EPA individual certification.** Any individual renovator who holds a current and valid certification issued by EPA or another state must obtain certification from the Department upon

expiration of their current certification. Renovators who have not previously been certified must be certified through the Department within six (6) months of EPA delegation approval.

(d) **Certification documentation.** Upon initial authorization, a course completion certificate will be issued to the holder by the accredited training facility. Those holding certificates shall carry the certificates as proof of current certification.

(e) **Frequency of renewal.** Every five (5) years.

(f) **Waiting period for reapplication after certification has been revoked.** One (1) year from date of revocation.

252:110-15-5. Certification of firms conducting renovation services

(a) **Required.** Upon EPA delegation approval, all existing EPA certified firms which perform or offer to perform any renovation services shall be certified by the Department within one (1) year from date of EPA delegation approval.

(b) **Applications.** Applications for firm certification are available from the Department upon request and will be accepted in approved formats.

(c) **Fees.** Nonrefundable fees are payable at the time an application or other notice associated with a fee is filed with the Department.

(d) **Failure to certify a firm.** No firm shall advertise or otherwise present itself as a certified renovation firm or perform or offer to perform renovation services in target housing and child-occupied facilities prior to becoming certified as such by the Department.

(e) **Certification documentation.** Upon firm application approval, a firm certificate will be issued.

(f) **Records maintenance.** The firm shall maintain all records pursuant to the requirements established in this Chapter.

(g) **Frequency of renewal.** Every five (5) years.

(h) **Waiting period for reapplication after certification has been revoked.** One (1) year from date of revocation.

252:110-15-6. Fees

(a) **Renovation firm certification.**

(1) **Initial Renovation Firm Certification.** Application filing and review, \$300.

(2) **Renewal Renovation Firm Certification.** Application filing and review fee every five (5) years, \$300.

(b) **Special service fees**

(1) **Replacement firm certificate fee.** Fees for the issuance of a replacement certification certificate are \$50 each.

(2) **Reinstatement or reactivation of an expired firm certification.** Fees for the reinstatement or reactivation of an expired firm certificate shall be the same as the initial discipline-specific certification fee.