

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

SUBCHAPTER 3. DEFINITIONS

252:110-3-1. Definitions

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

"Act" means the Oklahoma Lead-based Paint Management Act, 27A O.S., § 2-12-101 *et seq.*, and subsequent amendments.

"Authorization" means a certification, accreditation or approval granted by the Department.

"Business day" means Monday through Friday, 8:00 a.m. to 4:30 p.m., with the exception of State holidays.

"Electronic" [See OAC 252:110-3-2(3).]

"Exam" means a third party test, administered by the Department when required for LBP certification.

"Hazard evaluator" [See **"Lead-based Paint hazard evaluator"**, 27A O.S. § 2-12-102(17).] For the purposes of this chapter, the term "hazard evaluator" is synonymous with the term "risk assessor."

"HUD procedures" means the Housing and Urban Development's *Guidelines for the Evaluation and Control of Lead-based Paint Hazards in Housing* (2012 Edition).

"Instructor" means any person who receives compensation from an accredited LBP training program for teaching all or a portion of a LBP training course.

"LBP" means Lead-based Paint.

"LBP Contractor" means an individual or firm certified by the Department as an inspector, risk assessor, abatement worker, project designer, supervisor, or firm.

"OAC" means the Oklahoma Administrative Code.

"Quality assurance plan" means a written description of quality assurance activities that will ensure the generation of data that are scientifically valid, defensible and of known and acceptable limits of precision and accuracy.

"Training provider" means any organization or entity accredited under OAC 252:110, Lead-based Paint Management.

"XRF instrument" or **"x-ray fluorescence spectroscopy instrument"** means an instrument using radiation from a source to stimulate radiation emission which can be analyzed to determine the presence of certain substances, including lead.

252:110-3-2. Terminology related to 40 CFR

For purposes of interfacing with 40 CFR, the following terms apply:

- (1) **"Administrator"** is synonymous with Executive Director.
- (2) **"EPA"** is synonymous with the Oklahoma Department of Environmental Quality.
- (3) **"Electronic"** is synonymous with electronic, paper, or any alternative method accepted by DEQ.

SUBCHAPTER 5. INCORPORATION BY REFERENCE

252:110-5-1. Incorporation by reference

The following Sections of 40 CFR Part 745, as they exist on ~~January 6, 2020~~ January 13, 2025, are, unless otherwise specified, incorporated by reference in their entirety:

- (1) Section 745.223. Definitions, except the definitions of "Business day," "Electronic," "Interim certification," and "Training provider."
- (2) Section 745.225. Accreditation of training programs: target housing and child-occupied facilities, except for the following, which are excluded:
 - (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)(8)(iv), which refers to interim certification.
 - (E) Section 745.225(c)(13)(vi), which refers to course notification means of submittal.
 - (F) Section 745.225(c)(14)(iii), which refers to course notification means of submittal.
 - (G) Section 745.225(e)(5), which refers to training programs offering only refresher training courses.
 - (H) Section 745.225(f)(1), which refers to timelines for renewal accreditation of training programs.
 - (I) 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 for the following, which are excluded:
 - (A) ~~Section 745.226(a)(2), which refers to application dates.~~ [RESERVED]
 - (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 for the following, which are excluded:
 - (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.
 - (C) ~~Section 745.227(e)(8)(viii), which refers to clearance levels in dust.~~
- (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, except the definition of "Electronic."
- (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 13. ADDITIONAL WORK PRACTICE STANDARDS

252:110-13-2. Conflict of interest prohibited

To confer reliability of abatement-related ~~clearance~~-testing results, no individual inspector or risk assessor shall perform project abatement-related ~~clearance~~-testing for any individual or any other person with whom he has any economic relationship or other relationship that might create a conflict of interest.

252:110-13-7. Clearance levels [REVOKED]

~~The clearance levels for lead in dust are 10 µg/ft² for floors and 100 µg/ft² for interior window sills and troughs.~~

SUBCHAPTER 15. ADDITIONAL RENOVATION, REPAIR, AND PAINTING (RRP) REQUIREMENTS

252:110-15-1. Definitions

In addition to the definitions contained in ~~OAC 252:110-15-2(10)~~ 252:110-3-1 and 252:110-5-1(1) and (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.

~~"Child-occupied facility" means a building, or portion of a building, constructed prior to 1978, visited regularly by the same child, 6 years of age or under, on at least two different days within any week (Sunday through Saturday period), provided that each day's visit lasts at least 3 hours and the combined weekly visit lasts at least 6 hours, and the combined annual visits last at least 60 hours. Child-occupied facilities may include, but are not limited to, day care centers, preschools, and kindergarten classrooms. Child-occupied facilities may be located in target housing or in public or commercial buildings. With respect to common areas in public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only those common areas that are routinely used by children under age 6, such as restrooms and cafeterias. Common areas that children under age 6 only pass through, such as hallways, stairways, and garages are not included. In addition, with respect to exteriors of public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only the exterior sides of the building that are immediately adjacent to the child-occupied facility or the common areas routinely used by children under age 6.~~

"Electronic" [See OAC 252:110-3-2(3).]

"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 subchapter. 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.