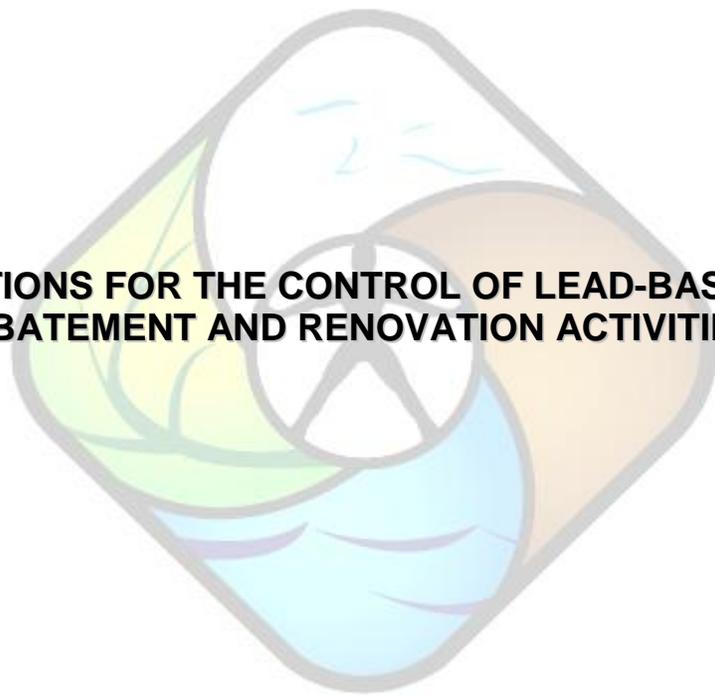


**COMMONWEALTH OF PUERTO RICO
OFFICE OF THE GOVERNOR
ENVIRONMENTAL QUALITY BOARD**

**REGULATIONS FOR THE CONTROL OF LEAD-BASED PAINT
ABATEMENT AND RENOVATION ACTIVITIES**



March 12, 2013
11th Draft

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CHAPTER I

TITLE, LEGAL AUTHORITY, DEFINITIONS AND ACRONYMS

RULE 1501 - Title

This rule is known as the *Regulations for the Control of Lead-Based Paint Abatement and Renovation Activities*.

RULE 1502 - Legal Authority

This Regulation is promulgated under the authority of the Puerto Rico Environmental Quality Board, by Act No. 416 of September 22, 2004 (12 L.P.R.A. S. 8001 et seq.), as amended.

RULE 1503 - Definitions

The words and phrases contained in these Regulations shall have the meanings hereinafter provided. Any term not defined in these Rules, or other Rules of the Environmental Quality Board (EQB), shall have the meaning commonly used in the English language.

¹ABATEMENT

Any action or series of measures designed to permanently eliminate the risks of lead-based paint or any other source, but not limited to:

1. Removal of lead-based paint and lead-contaminated particulate, the permanent enclosure or encapsulation of lead-based paint, replacement of surfaces or fixtures painted with lead, the removal and cover up of lead-contaminated soil.
2. All preparation, cleanup, disposal, and activities to determine the level of cleaning after mitigation.
3. The risk mitigation in homes, family, multifamily, buildings, structures or premises occupied by one or more children under the age of six (6) years including but not limited to:
 - a. Projects for which there is a written contract or other documentation stating that:
 - (1) a person or company to mitigate lead-based paint, will undertake a project to mitigate risk in a house, building, structure, or facility occupied by one or more children under the age of six (6) years and pregnant women;
 - (2) which result in the permanent elimination of hazards associated with lead paint,
 - (3) or were designed to eliminate hazards from lead-based paint, including paint, particulate dust containing lead, and lead-contaminated soil and water;
 - b. Projects involving the permanent elimination of hazards caused by lead-based paint, including paint, particulate, or soil contaminated with lead, conducted by lead abatement firms or individuals certified in accordance with Chapter V of this Regulation.
 - c. Projects involving the permanent elimination of hazards caused by lead-based paint, including paint, particulate, or soil contaminated with lead, carried out by companies or persons who, by their trade names or promotional brochures, or otherwise

represent, advertise or claim to be part of the business activities related to lead-based paint, as defined in this Regulation.

- d. Projects involving the permanent elimination of hazards caused by lead-based paint, including paint, particulate, or soil contaminated with lead, which was carried out orders as a result of state, federal or local abatement.

4. Abatement does not include renovation, remodeling, painting, repainting, landscaping, or other activities, when such activities are not designed to permanently eliminate lead-based paint hazards. Such is the case with activities designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards. Furthermore, abatement does not include interim controls, operations, and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards.

²ABATEMENT PROJECT OF LEAD-BASED PAINT

Abatement of one or more housing units, buildings and structures, and/or premises occupied by children six (6) or under, pregnant women, and exposed adult who are residents in areas located within the same municipality and were included under a single request for permission.

³ACCESSIBLE SURFACE

Interior or exterior surface painted with lead-based paint that the young child can bite or chew.

⁴ACCREDITED LABORATORY

An environmental laboratory recognized by the EPA, under the provisions of TSCA 405 (b), 15 USC 2685 (b), which is qualified to perform the testing for lead, but not limited to: paint, particulate, dust wipes, soil, and water.

⁵ACCREDITED TRAINING PROGRAM

Training Program has been accredited by the EQB, under this Regulation, to provide training to individuals engaged in lead-based paint activities.

⁶AREA SUBJECT TO FRICTION

Interior or exterior surface that is exposed to friction or abrasion, including but not limited to, the surface of certain windows, doors, staircases, and floors.

⁷BUILDINGS AND STRUCTURES

The term includes, without limitation, office and industrial buildings, residential buildings and condominium housing, government-owned buildings, schools, colleges, (public and private universities), museums, airports, bridges, roads, towers, theaters, coliseums, piers, beams, tanks, furniture and buildings, hospitals, churches, preschools, warehouses, stores and factories. The interior space includes the space outside of the hallway that connects the buildings, balconies, and mechanical systems for conditioning the interior spaces.

⁸CERTIFIED ABATEMENT WORKER

An individual who has been trained by accredited training program, as defined by these Regulations, and certified by EQB to perform abatements.

⁹CERTIFIED ABATEMENT AND RENOVATION FIRM

Company, partnership, corporation, sole proprietor, or other business entity, for-profit or non-profit organization, that carries out abatement and renovation activities, and holds a certificate issued by the EQB, in compliance with the provisions of these Regulations.

¹⁰CERTIFIED DUST SAMPLING TECHNICIAN (CDST)

An individual employed to perform dust clearance sampling during renovation activities.

¹¹CERTIFIED FIRM

A company, partnership, corporation, sole proprietorship, association, or other business entity that performs lead-based paint activities to which EQB has issued a certificate of approval.

¹²CERTIFIED INSPECTOR

1. An individual who has been trained by an accredited training program, as defined by these Regulations, and certified by Environmental Quality Board, to conduct inspections, and to prepare inspection reports. A certified *Inspector* also samples for the presence of lead in dust and soil, for the purposes of post-abatement and renovation clearance testing, and to prepare inspection reports.
2. An individual employed by a certified abatement firm to inspect, or re-inspect, for the presence of lead-based paint, to collect samples for the presence of lead in dust and soil, for the purposes of abatement and renovation clearance testing, and to prepare inspection reports. The owner or agent shall engage the *Inspector*.

¹³CERTIFIED PROJECT DESIGNER

An individual who has been trained by an accredited training program, as defined by these Regulations, and certified by EQB, to prepare abatement project designs, occupant protection plans, and abatement reports.

¹⁴CERTIFIED RENOVATOR

An individual who is employed by a certified renovation firm which conducts employees training in renovation activities, and which has completed a training course, and is certified by Environmental Quality Board, for renovation activities.

¹⁵CERTIFIED RISK ASSESSOR

An individual who has been trained by an accredited training program, as defined by these Regulations, and certified by Environmental Quality Board, to conduct risk assessments and lead hazard screens, to prepare inspection reports, and collect samples for the presence of lead in dust and soil, for the purposes of abatement and renovation clearance testing.

¹⁶CERTIFIED SUPERVISOR

An individual who has been trained by an accredited training program, as defined by these Regulations, and certified by Environmental Quality Board, to supervise and conduct abatements, and to prepare occupant protection plans and abatement reports.

¹⁷CLEANING VERIFICATION CARD (CVC)

A card developed and distributed, or otherwise approved, by EPA for the purpose of determining, through comparison of wet and dry disposable cleaning cloths by using the card, whether post-renovation cleaning has been properly completed. See Appendix 1.

¹⁸COMMON AREA

Part of a structure or building where the usual use, access, and domain belongs to all residents or tenants. Includes, but is not limited to, hallways, stairways, laundry, arcade, porches, exteriors, recreational rooms, playgrounds, community centers, garages, and surrounding areas of the property.

¹⁹COMPLETION DATE

Day, month, and year that end the activities allowed in a project to abate and/or renovate lead-based paint that requires the use of certified personnel. Including, but not limited to, the complete dismantle of all barriers in the area of removal, the final sampling to determine levels of cleanliness, and waste disposal of all lead-based paint.

²⁰COMPONENT (S) OF A BUILDING

Specific design or structural elements, or fixtures of the building, residential dwelling, or child-occupied facility that are distinguished from each other by form, function, and location. These include, but are not limited to:

1. interior components such as: ceiling, crown molding, walls, chair rails, 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, jams, sills, or stool and troughs), built in cabinets, columns, beams, bathroom vanities, counter tops, and air conditioners;
2. 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 troughs, casings, sashes and wells, and air conditioners.

²¹CONTAINMENT

A process to protect workers and the environment by controlling exposures to the lead-contaminated dust and debris created during an abatement or renovation activities.

²²COURSE TEST

An evaluation of the overall effectiveness of the training which shall test the trainee's knowledge and retention of the topics covered during the course.

²³COURSE TEST BLUE PRINT

Written documentation identifying the proportion of course test questions devoted to each major topic in the course curriculum.

²⁴CHILD

For purposes of this Regulation is six (6) years of age or younger.

²⁵CHILD-OCCUPIED FACILITY

Child-occupied facility, as the term applies to abatements, means a building or a portion of a building constructed prior to 1978. Said facility is visited regularly by the same child until the age six (6) years of age, on at least two (2) different days within any week (Sunday through Saturday period), provided that each day's visit lasts at least three (3) hours and the combined weekly visit lasts at least six (6) hours, and the combined annual visits last at least sixty (60) hours. Child-occupied facilities may include, but are not limited to, day-care centers, preschools, and kindergarten classrooms.

²⁶DETERIORATED PAINT

Paint that is cracking, peeling, flaking, chipping, chalking, or limestone appearance or any paint or coating located on an interior surface that is otherwise damaged or separated from the substrate of a building component or unit.

²⁷DISCIPLINE

Matter of teaching about different activities of lead-based paint such as *Project Designer, Supervisor, Lead-Abatement Worker, Risk Assessor, Inspector, Renovator, and Dust Sampling Technician*, as identified in this Regulation.

²⁸DOCUMENTED METHODOLOGY

The *HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing; EPA, Lead in Paint, Dust, and Soil Guidance; EPA Testing Your Home for Lead in Paint, Dust and Soil; Protocols for Dust and Soil Samples* and other regulations guidance methods and protocols, issued by the state and Native American Indian tribes, which have been approved by the EPA, and other methods and guidelines, as adopted by the Environmental Quality Board.

²⁹DRY DISPOSABLE CLEANING CLOTH

A commercially available dry, electrostatically charged, white disposable cloth designed to be used for cleaning hard surfaces such as but not limited to: uncarpeted floors or countertops.

³⁰ELEVATED BLOOD LEAD LEVEL

An excessive absorption of lead as determined by the Puerto Rico Department of Health; Center for Disease Control and Prevention.

³¹EMERGENCY RENOVATION

Renovation, remodeling, or repainting activities, necessitated by non routine failures of equipment or of a structure, that were not planned, but resulted from sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard or threatens equipment, or property with significant damage. Includes interim controls, renovation, remodeling, or repainting activities that are conducted in response to an elevated blood lead (EBL) inspection.

³²ENCAPSULANT

A substance that forms a barrier between lead-based paint and the environment using a liquid-applied coating (with or without reinforcement materials), or an adhesively bonded covering material.

³³ENCAPSULATION

Application of an encapsulant (see "encapsulant").

³⁴ENCLOSURE

Use of rigid, durable construction materials that are mechanically fastened to the substrate in order to act as a barrier between lead-based paint and the environment.

³⁵ENVIRONMENTAL QUALITY BOARD

Agency of the Government of Puerto Rico Environmental Quality Board of the Commonwealth of Puerto Rico, as created by Act No. 9 of June 18, 1970 (12 LPRA §. 1121, et seq.) Known as the Policy Act Environmental Public as amended, and repealed by Act No. 416 of September 22, 2004 (12 LPRA §. 8001, et seq.) as amended. Agency responsible for implementing and ensuring compliance with the provisions of these Regulations.

³⁶EQB AUTHORIZED LANDFILL

Environmental Quality Board disposal facility where non-hazardous waste with lead (< 5 mg/l) is placed, as established by the Board's Non-Hazardous Solid Waste Regulations No. 5717, of November 14, 1997.

³⁷EXAMINATION ADMINISTRATOR

Person designated by the Environmental Quality Board to administer the state tests that leads to the certification of individuals.

³⁸FIRM

A company, partnership, corporation, sole proprietorship, or individual doing business, association, or other business entity that performs, or offers to perform, lead-based paint activities. This term also includes a Federal, State, Tribal, or local government agency, or a nonprofit organization that performs or offers to performs lead-based paint activities.

³⁹GUEST INSTRUCTOR

An individual designated by the training Program Manager or Principal Instructor to provide instruction specific to the lecture, hands-on activities, or work practice components of a course.

⁴⁰HANDS-ON SKILLS ASSESSMENT

An evaluation which tests the trainees' ability to satisfactorily perform the work practices and procedures identified in Rule 1533, as well as any other skill taught in a training course. The Program Manager shall submit, during auditing, any documents concerning hands-on skills activities test the trainees'.

⁴¹HAZARDOUS SOLID WASTE

Wastes that meet any of the following conditions:

1. Display any characteristics of hazardous or solid waste as per Part 261.24 of the 40 CFR and Rule 604D of the EQB Regulation for the Control of Solid Hazardous Wastes.
2. Be a mixture of non-hazardous solid waste with regulated hazardous solid waste. This definition excludes domestic waste from mining.
3. Solid waste, or combination of a solid waste that, because of its quantity, concentration, physical, chemical, or infectious properties, may contribute to increased mortality or cause irreversible damage,
 - a. Or has a substantial potential to harm human health or the environment, when treated, stored, transported, disposed or handled improperly.
 - b. in lead abatement activities is define when a hazardous solid waste contains 5 ppm (mg/l) or more of leaching of lead, according to the TCLP test;
 - c. Or is a corrosive solid waste; has a capacity of ignition; or reactive and not otherwise excluded.

⁴²HEPA VACUUM

A vacuum cleaner which has been designed with a high-efficiency particulate air (HEPA) filter as the last filtration stage. A HEPA filter is a filter that is capable of capturing particles of 0.3 microns with 99.97% efficiency. 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.

⁴³HOUSING

1. An independent living unit for a family, including attached structures, such as decks and porches; or
2. A housing unit for a family in a structure containing more than one separate dwelling unit is used or occupied, or intended for use or occupy, in whole or in part, as the home or residence for one or more persons.

⁴⁴INSPECTION

Surface-by-surface investigation to determine the presence of lead-based paint in any component and the obligation to submit a report explaining the results of the investigation.

⁴⁵INTERIM CONTROLS

Set of measures designed to temporarily reduce the exposure or the potential for human exposure to hazards caused by lead-based paint, including, but not limited to, specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of risks or potential hazards caused by lead-based paint, conventional treatments, and the establishment and operation of education programs for the administration and residents.

⁴⁶LANDFILL

1. An area of land or an excavation in which wastes are placed for permanent disposal, and that is not a land application unit, surface impoundment, injection well, or waste pile. [40 CFR 60.751, 257.2]

2. A disposal facility or part of a facility, where hazardous waste is placed in, or on land; and which is not a pile, a salt dome formation, a salt bed formation, an underground mine, a cave, or a corrective action management unit. [40CFR 260.10]

⁴⁷LEACHING PROCEDURE FOR TOXICITY CHARACTERISTIC (TCLP)

A laboratory test used to determine levels of lead mining and other organic and inorganic pollutants, solid, or semisolid.

⁴⁸LEAD

Highly toxic heavy metal that could cause poisoning due to inhalation, ingestion, or absorption.

⁴⁹LEAD-BASED PAINT (LBP)

Paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram per square centimeter (1.0 mg/cm.²) or more than 0.5% w/w (5,000) parts per million by dry weight or more.

⁵⁰LEAD-BASED PAINT ACTIVITIES

In the case of buildings and structures, target housing (<1978) and facilities occupied by children, pregnant women, and persons who, for one reason or another, are exposed to lead contamination (as defined in this Regulation), these activities include: inspections, risk assessments, abatements, visual risk assessments, conducted post-abatement clean-up levels, renovations, interim controls, encapsulation, uniform paint stabilization, treatments, continuous painting maintenance as defined in this Regulation.

⁵¹LEAD-BASED PAINT HAZARDS

Any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as identified by the EQB pursuant to the federal TSCA, Section 403.

⁵²LEAD-CONTAMINATED DUST

Surface dust in residential dwellings, or child-occupied facilities that contains an area or mass concentration of lead at or in excess of levels identified in this Regulation.

⁵³LEAD-CONTAMINATED SOIL

Bare soil on residential real property and on the property of a child-occupied facility that contains lead at or in excess of levels identified by the EQB pursuant to TSCA, Section 403.

⁵⁴LEAD GENERAL PERMIT (PGPB)

Official authorization by the Environmental Quality Board to any certified firm to engage in lead-based paint abatement and renovation activities, using EQB Form PGPB-002.

⁵⁵LEAD-HAZARD SCREEN

A limited risk assessment activity that involves limited paint and dust sampling, and the provision of a written report explaining the results of the lead-hazard screen to the property owner, and to the person requesting the lead hazard study.

⁵⁶LEAD TEST KIT (LEAD-TEST-KIT)

Kit to determine presence of lead-based paint in the levels of ≥ 1.0 mg/cm² or 0.5% w/w, paint flakes, dust, paint or painted surfaces, with no more than 5% false negative results. The kit must be recognized by EPA, and has a known probability of 95% with a negative response of $\leq 5\%$.

⁵⁷LEVELS OF CLEANING

Value indicating the maximum quantity of lead dust on a surface at the end of an abatement activity.

⁵⁸LIVING AREA (ABATEMENT ACTIVITIES)

Involving abatement activities, any area of a residential dwelling used by one or more children up to the age of six (6) or under, but not limited to, living rooms, kitchen areas, dens, play rooms, and children's bedrooms.

⁵⁹LIVING AREA (RENOVATION ACTIVITIES)

In the case of renovations, any area of a residential dwelling used by one or more children up to the age of six (6) or under, but not limited to, living rooms, kitchen areas, dens, play rooms, and children's bedrooms.

⁶⁰MANIFEST

Document approved by the EQB or the EPA to identify the quantity, composition, volume, size, origin, route and destination, as applicable, of certain wastes that are to be transported in the jurisdiction of Puerto Rico or United States facility, for handling, storage, recycling, reuse, processing, export, disposal, incineration, treatment or destruction.

⁶¹MINOR REPAIRS AND MAINTENANCE ACTIVITIES

Activities including minor heating, ventilation, or air conditioning work, electrical work, and plumbing that disrupt six (6) square feet or less of painted surface per room, for interior activities or twenty (20) square feet or less of painted surface for exterior activities. In such activities work practices prohibited or restricted in these Regulations are not 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 thirty (30) days must be considered the same job for the purpose of determining whether is a minor repair and maintenance activity.

⁶²MULTI-FAMILY DWELLING

A structure that has more than one separate dwelling unit that is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

⁶³NATIONAL LEAD LABORATORY ACCREDITATION PROGRAM (NLLAP)

A laboratory accreditation program whereby EPA recognizes a laboratory as being proficient for analyzing lead, in several sample matrices, (paint chips, soil, dust wipes). Laboratory analysis of samples collected for lead determinations shall be performed by a laboratory accredited under the NLLAP (40 CFR Part 745).

⁶⁴PAINT IN DETERIORATED CONDITIONS

1. More than ten (**10**) square feet of deteriorated paint on exterior components with large surface areas;
2. or more than two (**2**) square feet of deteriorated paint on interior components with large surface areas (e.g., walls, ceilings, floors, doors);
3. or more than 10% of the total surface area of the component is deteriorated on interior, or exterior components, with small surface areas (windows sills, baseboards, soffits, trim).

⁶⁵PAMPHLET

The EPA pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools developed under Section 406(a) of TSCA* for use in complying with Section 406 (b) of TSCA, or any State or Tribal pamphlet approved by EPA pursuant to 40 CFR 745.326 that is developed for the same purpose. This includes reproductions of the pamphlet when copied in full, and without revision or deletion of material from the pamphlet.

⁶⁶PERMANENTLY COVERED GROUND OR SOIL

Soil which has been separated from human contact by the placement of a barrier consisting of solid, relatively impermeable materials, such as pavement, or concrete. Grass, mulch, and other landscaping materials are not considered permanent covering.

⁶⁷PERSON

Legal entity, person, or group of private or public entities, who have responsibility for all activities controlled by this Regulation. This includes federal and state agencies, municipalities, consortiums, public and private corporations, associations, cooperatives, trusts and societies.

⁶⁸PRELIMINARY RISK ANALYSIS

Limited activity of risk assessment which includes a limited sampling of painted surfaces and particulate, as described in Rule 1552 of Chapter VI of these Regulations.

⁶⁹PRINCIPAL INSTRUCTOR

Individual who has the primary responsibility for organizing and teaching a particular course.

⁷⁰QUALITY CONTROL PLAN

Plan or design to ensure the authenticity, integrity, reliability, and accuracy of representative samples in an analysis of soil, dust wipe, flakes of paint, and water.

⁷¹REDUCTION

Measures designed to permanently reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls, abatement, and renovation.

⁷²REMODELING

Changing the structure or shape of an architectural work.

⁷³RENOVATION

Modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of lead abatement as defined by this Regulation. Renovation activities are those that disturb more than six (6) square feet of interior painted surfaces, per room or area, or more than twenty (20) square feet of exterior painted surfaces, on each side of the property. The term renovation includes, but is not limited to, the removal, modification, or repair of painted surfaces, or painted components, such as modification of painted doors, surface restoration, and window repair;

1. surface preparation activity such as sanding, scraping, or other such activities that may generate paint dust;
2. the partial or complete removal of building components such as walls, ceiling, and windows;
3. weatherization projects such as cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, planning thresholds to install weather-stripping;
4. and interim controls that disturb painted surfaces. A renovation performed for the purpose of converting a building, or part of building, into target housing or a child-occupied facility is a renovation. Renovation does not include minor repairs and maintenance activities.

⁷⁴RENOVATION ACTIVITIES

Activities related to the use of lead test kits, distribution of information, work practices such as: visual and cleaning verification sampling to determine levels of cleanliness, and activities carried out by a certified renovator firm, a business license, certified *Renovator* or a *Certified Dust Sampling Technician*.

⁷⁵RENOVATION WORKER

An individual trained by a certified *Renovator* to work on a renovation project and employed by certified renovation firm.

⁷⁶REPAIR

Restoration

⁷⁷RESIDENTIAL DWELLING

1. a detached single family dwelling unit, including attached structures such as porches and stoops; and
2. a single family dwelling unit in a structure that contains more than one separate residential dwelling unit, which is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

⁷⁸RESIDENT PROTECTION PLAN

A written document that describes the measures and management procedures to be carried out during the abatement, to protect the residents of the buildings from exposure to hazards caused by lead-based paint. The plan will be for a particular dwelling unit, or facility, occupied by "sensitive individuals". For projects less than five (5) units, the plan will be prepared by a *Supervisor* or *Project Designer*. For projects of five (5) units or more, the plan will be prepared

by a *Project Designer*. The plan shall include the signature and certification number of the person who prepares it.

⁷⁹RISK ASSESSMENT

1. an on-site scientific investigation to determine the existence, nature, severity, and location of lead-based paint hazards, in a residential dwelling or child-occupied facility, following the methodology established in this Regulation; and
2. the provision of a report, by the individual or certified firm, that conducted the risk assessment, explaining the results of the investigation, and options for reducing lead-based paint hazards to the property owner, and to the person requesting the risk assessment.
3. Information related to the age, history of the property, and occupants, shall be included.

⁸⁰RISKS CAUSED BY LEAD-BASED PAINT

Circumstances that cause an individual may be exposed to lead from dust, soil, and water, or contaminated with lead paint that is deteriorated or present in accessible surfaces subject to friction or subject to impact. Such exposure may result in adverse effects to human health.

⁸¹RISK TARGET HOUSING

Any housing constructed prior 1978, except housing for the elderly or persons with disabilities (unless any one or more children age 6 years or under resides or is expected to reside in such housing for the elderly or any persons with disabilities), or any zero-bedroom dwelling. Also includes any nonresidential building where lead-based paint activities are conducted prior to, or during the conversion of the nonresidential building to target housing.

⁸²START DATE

Day, month, and year one starts the activities covered by the Lead General Permit for lead-based paint abatement and renovation activities of a project to abate and/or renovate lead-based paint, for which requires the use of certified personnel. These activities include the isolation and preparation of abatement, and/or renovation area or any other activity that may alter the lead-based paint.

⁸³STATE CERTIFICATION EXAM

A discipline-specific examination approved by the Environmental Quality Board to test the knowledge of a person who has completed an approved training course, and is applying for certification in a particular discipline. The state certification examination may not be administered by the provider of an approved course. The Environmental Quality Board is the authorized entity to administer the state certification exam by the technical staff of the Toxic Wastes Division.

⁸⁴TEST BLUE PRINT

Written documentation indentifying the proportion of course test questions devoted to each major topic in the course curriculum.

⁸⁵TRAINING COURSE AGENDA

Outline of the main topics to be covered during a training course, including the time allotted to teach each topic and specialized practical skills.

⁸⁶TRAINING COURSE CURRICULUM

An established set of course topics for instruction in an accredited program for a particular discipline designed to provide specialized knowledge and skill.

⁸⁷TRAINING HOUR

At least fifty (50) minutes of actual learning, including, but not limited to, time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, and/or hands-on experience.

⁸⁸TRAINING MANAGER

Individual responsible for administering an accredited training program and monitoring the performance of principal instructors and guest instructors.

⁸⁹TRAIN-THE-TRAINER COURSE

A course designed to educate or provide the practical skills required of instructors for courses on lead-based paint.

⁹⁰URGENT EMERGENCY PROJECT

Abatement and/or renovation of lead-based paint event that was listed by *Risk Assessor*, and/or the Environmental Quality Board, as an immediate risk caused by lead-based paint for housing residents concerned or occupied by children of six (6) years or under.

⁹¹U.S. ENVIRONMENTAL PROTECTION AGENCY (FEDERAL ENVIRONMENTAL PROTECTION AGENCY)

Government agency of the United States responsible for the protection of the environment, created under the Reorganization Plan No. 3 of 1970 (40 Code of Federal Regulation, Part 1).

⁹²VISUAL INSPECTION FOR CLEARANCE TESTING

Visual examination of a residential dwelling or a child-occupied facility, following an abatement or renovation, to determine whether or not the abatement or renovation has been successfully completed. This inspection is performed by a certified *Inspector* or *Renovator*.

⁹³VISUAL INSPECTION FOR RISK ASSESSMENT

Visual examination of a residential dwelling or a child-occupied facility to determine the existence of deteriorated lead-based paint or other potential sources of lead-based paint hazards.

⁹⁴WET DISPOSABLE CLEANING CLOTH

A commercially available, pre-moistened, white disposable cloth, designed to be used for cleaning hard surfaces such as uncarpeted floors or counter tops.

⁹⁵WET MOPPING SYSTEM

A device with the following characteristics: A long handle, with a mop head, designed to be used with disposable absorbent cleaning pad that contains a reservoir for cleaning solution, and a

built-in mechanism for distributing or spraying the cleaning solution onto a floor, or a method of equivalent efficacy.

⁹⁶WORK AREA

The area that the certified renovator establishes to contain the dust and debris generated by a renovation.

RULE 1504 - Acronyms

BLL-	Blood Lead Level (s)
CFR-	Code of Federal Regulations
CVC-	Cleaning Verification Card
DCC-	Disposable Cleaning Cloth
EBL-	Elevated Blood Lead
EPA-	U.S. Environmental Protection Agency of the United States of America
EQB-	Environmental Quality Board
GED-	Graduate Equivalent Diploma
GP-	General Permit
HEPA-	High Efficiency Particulate Air Filter
HUD-	Housing and Urban Development Agency
HVAC-	Heating, Ventilation, and Air-Conditioning
LBP-	Lead-Based Paint
Mg/cm²-	milligrams per square centimeter
NLLAP-	National Lead Laboratory Accreditation Program
OSHA-	Occupational Safety & Health Administration
ppb-	parts per billion
ppm-	parts per million
RCRA-	Resource Conservation and Recovery Act
RR & P-	Renovation, Repair and Painting Rule
SLS-	Sanitary Landfill System
SOP-	Standard Operating Procedures
TCLP-	Toxicity Characteristic Leaching Procedure
TM-	Training Manager
TSCA-	Toxic Substance and Control Act
ug/dL-	micrograms per deciliter
ug/ft²-	micrograms per square foot
USC-	United States Code (U.S. Code)
XRF-	X-Ray Fluorescence Analyzer Device
% W/W-	Percent weight by weight

RULE 1505 - 1509 (Reserved)

CHAPTER II

GENERAL PROVISIONS

RULE 1510 - Purpose

In 1978, the U.S. Congress approved a bill prohibiting the manufacture of lead-based paint. This measure was taken as a result of alarming studies that showed that lead-based paint caused serious and irreversible damage to the human body. Lead affects children especially those six (6) years of age or younger, because their bodies are developing.

In 1992, Congress enacted the "Law on Risk Reduction Caused by Lead-Based Paint (Residential Lead-Based Paint Hazard Reduction Act). This bill establishes a federal and state level that provides the framework for the certification of individuals who engage in mitigation. It also establishes an accreditation system for institutions offering the courses needed for certification.

As a result of the Residential Lead-Based Paint Hazard Reduction Act, it amended the "Law for the Control of Toxic Substances (TSCA) to include Title IV. TSCA promotes state intervention in the process of accreditation and certification through the allocation of funds to the Federal Environmental Protection Agency (EPA, for its acronym in English). The EPA distributes funds to states to implement programs of similar interest. It is at this stage that the Environmental Quality Board (EQB) is involved in the implementation of the Draft Permit and Certification of Lead-Based Paint.

Through this program, the EQB is interested in creating a draft certification and accreditation which establishes standards to ensure that individuals involved in activities related to lead-based paint are properly trained. Training will be by a competent person knowledgeable of acceptable working practices, and informed of the latest technological advances. Creating such standards will promote and develop a skilled and trained workforce, capable of carrying out such activities in accordance with the rules of safe work practices, reliably, and effectively. The main interest is to protect all children ages six (6) years or younger, pregnant women, and people who, for one reason or another are exposed to lead contamination. The primary goal of the Board is to safeguard the environment and protect public health and welfare of the people.

RULE 1511 - Scope and Applicability

- A. This Regulation contains the procedures and requirements for accreditation of training programs, and procedures for certification of persons and enterprises engaged in activities related to lead-based paint, and sets standards for conducting such activities. This Regulation also requires that all activities related to lead-based paint in target housing, building and structures, or facility occupied by children, pregnant women and persons who, for one reason or another, are exposed to lead contamination, be performed by certified individuals and firms.
- B. This regulation applies to all persons or companies engaged in activities related to lead-based paint as defined in this Regulation. The exception is those who perform these activities in their own home, unless the home is occupied while these activities are being carried out by other (s) of person (s) other than the owner or his immediate family, or has been determined that a child of six (6) years of age or younger residing in the home or building has high lead levels in the blood. Each department, agency, or branch of the executive, legislative or judicial branches of the Commonwealth of Puerto Rico, with jurisdiction over any property or facility, or engaged in any transaction that results, or may result, in a risk associated with paint lead, and any officer, agent, or employee thereof, shall

be subject and liable to meet all requirements, both substantive and procedural, on lead-based paint, its activities and risks.

- C. This regulation does not preclude legal or administrative action against a person for violations of other applicable regulations of the EQB or other laws or federal or state regulations.
- D. The EQB requires that the *Inspectors, Risk Assessors*, contractors, staff, and organizations involved in lead-based paint abatement activities, disclose any potential conflict of financial interest in the reports submitted to the Board.
- E. All waste generated by lead-based paint (LBP) abatement activities with less than five parts per million (5.00 mg/l) of lead, as proof of Toxicity Characteristic Leaching Procedure (TCLP) in samples that are statistically valid, as determined Documented Methodology, are governed by the provisions of these Rules and Regulations for the Management of Non-Hazardous Solid Wastes EQB, provided that such provisions are consistent with this regulation. Lead activities generated by LBP equal to, or exceeding five (5) or more parts per million (5 mg/ l) of lead, by the TCLP test, will be a hazardous solid waste, and therefore, is governed by the Regulations for the Control of Hazardous Solid Wastes of Environmental Quality Board.
- F. Any program that offers training courses for abatement and renovation of LBP in all disciplines shall apply for accreditation to EQB, and comply with the requirements under this Regulation.
- G. Any person or company involved in abatement and renovation of LBP shall apply for certification to EQB and comply with the requirements under this Regulation.
- H. Any company that performs LBP activities shall request a permit from the EQB under Rule 1553 of this Regulation and comply with the requirements under this Regulation.

RULE 1512 - Compliance Inspections: Authority to Enter

- A. The EQB, represented by its members, agents or employees, may enter and examine the place, equipment, facilities and/or documents of any person, entity, company, government agency, or public instrumentality subject to its jurisdiction, to investigate and/or inspect the environmental conditions.
- B. If an officer identified in the EQB is denied access or is prevented from conducting an inspection, the EQB may issue an Administrative Order, or obtain an Order, in accordance with procedures established under the Environmental Public Policy Act.
- C. Any document or copy which is delivered by request of the EQB to inspect documents shall be submitted within a period of forty-eight (48) hours from the date of request.

RULE 1513 - Severability Clause

If any provision of this Regulation shall be declared illegal or unconstitutional by the opinion of a court of competent jurisdiction, it shall not affect the remaining provisions of these Regulations, as each is considered separately from one another.

RULE 1514 - Conflicting or Contradictory Provisions

When two or more provisions of these Regulations are applicable to the same state of facts and they turned out to be contradictory or conflicting with each other, the more restrictive one will prevail. Should there be conflicts or contradictions between the provisions of this Regulation and

any other laws or regulations administered by a government agency with jurisdiction and the latter prove to be more restrictive than the former, only the most restrictive provisions apply. However, nothing in this Rule shall be construed as exempting any person from having to comply with the rules and the requirements that are required by these agencies, even where those rules or requirements are less restrictive than the provisions of this Regulation.

RULE 1515 - Repeal

This Regulation repeals any prior provision, resolution, agreement, or regulation by the EQB that is not consistent with the same.

RULE 1516 – 1519 (Reserved)

CHAPTER III

GENERAL REQUIREMENTS AND PROHIBITIONS

RULE 1520 - General Prohibitions

- A. No person shall establish, or allow the creation of an actual or potential harm to the environment, or the public health, safety, and welfare, due to pollution caused by activities related to lead-based paint (LBP) abatement or renovations activities, as defined in this Regulation.
- B. No person shall cause, or permit others to cause, the generation, storage, collection, transportation, recovery, disposal or management of waste, generated by activities related to LBP, in violation of the requirements, under this Regulation or permits authorized as a result of it.
- C. No person shall cause, or permit to be engaged, in activities of LBP, in breach of the Rules of this Regulation or Regulations promulgated by the Environmental Quality Board (EQB), or any other laws, regulations, or applicable state or federal requirements.
- D. No person shall provide or contain false or misleading information in any document submitted to the EQB, in accordance with these Regulations. No person will be allowed to submit such information to the EQB or its officers.
- E. No person shall cause, or permit others to cause, the generation, storage, collection, transport, recovery, disposal, or management of waste generated by activities related to lead-based paint, if they affect people, or destroy any plant, or threatened or endangered animal.
- F. No person shall cause, or permit to be carried out, abatement work, renovation, removal, or disposal, of waste containing lead, without proper certification of the EQB.
- G. No person or institution shall publish, offer, or grant certificates of accreditation, without having fulfilled all the requirements of a training program for LBP abatement and renovation activities, without first being accredited by the Board.

RULE 1521 - Non-Compliance

The breach of any of the requirements set forth herein or any condition of permit issued as a result of this Regulation shall constitute a violation. Any person who violates these rules will be subject to administrative penalties, as provided by Environmental Public Policy Act, No. 416 of September 22, 2004, 12 LPRA § 8001 et seq., as amended.

RULE 1522 - 1529 (Reserved)

CHAPTER IV

ACCREDITATION OF TRAINING PROVIDERS FOR ABATEMENT, RENOVATION, REPAIR AND PAINTING (RR & P)

RULE 1530 - Scope

- A. The Training Manager (TM) may apply for accreditation to offer training courses in any of the following disciplines: *Inspector, Risk Assessor, Supervisor, Project Designer* and *Abatement Worker*. The TM can also apply for accreditation to offer refresher courses for each of the above disciplines. The TM of the training school that requests accreditation to provide initial or refresher courses in Spanish or English, shall meet the requirements of this Chapter.
- B. The Training Manager may apply for accreditation to offer training courses in *Renovator*, and *Dust Sampling Technician*. The TM can also apply for accreditation to offer refresher courses for each of the above disciplines. The TM of the training school that requests accreditation to provide initial or refresher courses in Spanish or English, shall meet the requirements of this Rule.
- C. The TM shall not provide, offer, or advertise training courses without first requesting and receiving accreditation from the Environmental Quality Board (EQB), as required by this Chapter.
- D. The training courses will be evaluated by the EQB, among other things the following: (1) course administration, (2) duration of the course, (3) curriculum, (4) training methods, (5) qualifications of the Principal Instructor, (6) efficiency of Principal Instructor, (7) technical accuracy of the materials and instructions, (8) testing, (9) training certificate, and (10) any other information that the EQB considers necessary. The evaluation will be conducted in accordance with the requirements of this Chapter and any *Documented Methodology* which reference is made.
- E. The TM will permit the EQB to attend, evaluate, and inspect any course of training, course examination and have access to the records of the training courses, without charges or impediments to the EQB in order to evaluate compliance with this Regulation. The EQB may conduct unannounced inspections of such training courses.
- F. A unique number will be assigned to all accredited training programs and will be issued a certificate for each course that is approved and accredited by the EQB.
- G. All accreditation shall expire twelve (12) months from the date the EQB issued the accreditation. Conducting training courses after the expiration of accreditation and before the renewal of that accreditation constitutes a violation of this Regulation.
- H. Reaccreditation of training programs shall follow the requirements of Rule 1536 of this Chapter.
- I. The TM may apply for accreditation for initial or refresher courses in any disciplines. The TM can also apply for accreditation for additional courses at any time, provided that the program can demonstrate compliance with the requirements of this Chapter.

RULE 1531 - Application Process for Accreditation of Training Providers

The procedures and requirements that an applicant must meet when applying for accreditation to the EQB are:

- A. The Training Manager (TM) seeking accreditation shall submit the following documents in accordance with the requirements of Rules 1532-1535 of this Chapter, which shall include, but not limited to:
1. An application on forms provided by the EQB, with the necessary information, relevant, and signed by the Training Manager. This information shall include, but not limited to, name, address, telephone number of the training program, and a list of all courses for which accreditation program requests.
 2. A statement signed by the TM certifying that the training program meets the minimum requirements of these Regulations.
 3. A statement by the TM certifying that the training program, at all times, complies with all requirements of this Chapter. The statement shall also include the TM will be responsible for maintaining the validity and integrity of the assessment of practical skills. Also the statement shall ensure that the TM properly evaluates the performance of trainees in work practices and procedures associated with each item of the course. The TM is responsible for maintaining the validity and integrity of course exams, to ensure they adequately assess the knowledge and retention of trainees on the course topics.
 4. Initial filing fee in the amount of one hundred (**\$100**) dollars and an accreditation fee of four hundred dollars (**\$400**) per day of eight (**8**) hours for each training course, payable by certified check or money order to the Secretary of Treasury of Puerto Rico. The accreditation fees are based on eight (**8**) hours of training for each course. In cases of training courses of less than eight (**8**) hours shall be paid a minimum of four hundred (**\$400**) dollars. The initial filing fee is non refundable.
 5. A copy of the students handbooks and manuals for instructors, to be used for each training course in the language in which courses are given in (Spanish or English), shall be submitted. This also includes a checklist on the content of the course to identify and locate the sections of the manual which covers the topics required;
 6. A copy of the agenda of each course, which shall include, but not limited to, the starting and ending time every day and the time allocated for teaching each course topic.
 7. A copy of each training exam marked with the correct answers for each of the test questions.
 8. A description of the facilities and equipment to be used for the lecture, review the course and hands on training.
 9. A copy or description of any sound material and/or pictures to be used in each course.
 10. A copy of the test blue print for each training course.
 11. A detailed description of hands on activities and assessment skills, including the criteria for determining the use by the participant.
 12. A detailed description of the learning objectives or performance to be taught for each course topic.
 13. A copy of the quality control plan.

14. A model of an original certificate of completion of the course which shall include:

- a. Name, address and the last four (4) digits of the Social Security Number of the participant.
- b. Title of the training course, which specify whether an initial or refresher course.
- c. Dates of the training course and approval of the applicable course examination.
- d. A statement that certifies that the participant completed the course and approved the examination requirements and assessment of practical skills.
- e. The unique identification number of the certificate.
- f. The printed name and signature of the Training Manager and Principal Instructor(s).
- g. The name, address and telephone number of the training program.
- h. Location of the training course, if different from the training program.
- i. Issue and expiration dates of the course certificate. The expiration date is twelve (12) months after the date of completion of the course.
- j. Language in which the course was administered (English or Spanish).
- k. The course accreditation date and the name of the Agency that issued the accreditation.

15. Training hours of courses.

16. Any additional information that the EQB considers necessary.

B. Procedures for the Accreditation of Training Course:

1. The EQB will review the accreditation application and documentation submitted in accordance with Rule 1531-A of this chapter and shall notify the applicant of any deficiencies. If the deficiencies are not corrected within a period of six (6) months from the date of the application, the application and any other documentation shall be returned to the applicant. The applicant will be required to resubmit a new complete application pursuant to paragraph A of this Rule. The approval of the documentation provided does not constitute the course accreditation.
2. If the documentation meets all requirements of the Rules 1531 to 1536, the Board will approve the request and will notify.
3. EQB officers will conduct periodic audits of training programs for compliance with this Regulation.

RULE 1532 - Minimum Requirements for Accreditation of Training Programs

The Training Manager (TM) will obtain and maintain accreditation of the EQB to offer courses on activities related to lead-based paint (LBP) abatement and renovation programs. The TM shall meet and maintain the following minimum requirements for each discipline that requests accreditation:

- A. The training program shall employ a Training Manager with the following requirements:
1. Who has **one (1)** of these:
 - a. A minimum of **two (2)** years of experience, education or training in teaching workers or adults;
 - b. A baccalaureate or post-graduate university degree in building construction technology, engineering, industrial hygiene, biology, physical sciences, security, public health, education, business administration, program management or a related field;
 2. **Two (2)** years of experience in the administration of specialized training programs in environmental risks.
 3. Experience, education or training tested in the construction industry, including: Lead and/or asbestos abatement, painting, carpentry, renovation, remodeling, occupational health and safety or industrial hygiene.
- B. The TM shall appoint a certified Principal Instructor for each course. The qualified instructor must comply with the following requirements:
1. Demonstrate experience, education or training in teaching workers or adults.
 2. Successfully complete at least sixteen (**16**) hours of EPA accredited training or EPA authorized State or Tribe lead specific training for abatement.
 3. Document two (**2**) years of experience, education or training in asbestos and lead abatement, painting, carpentry, renovation, remodeling, occupational health and safety, or industrial hygiene.
 4. A Principal Instructor for *Renovator* or *Dust Sampling Technician* is required to have taken a minimum of eight (**8**) hours of training in each one of the courses.
- C. The Principal Instructor will be responsible for organizing the course and will monitor the teaching curriculum. The Training Manager may designate Guest Instructors, as needed, to teach specific subjects on the training courses, or lectures, practical teaching activities or work practices.
- C. The TM may nominate one (**1**) or more Guest Instructors for each training course to teach hands-on activities or work practices, or both. The Guest Instructor must comply with the following requirements:
1. Have experience in education or training in teaching workers or adults.
 2. Complete a training course related to the abatement of LBP in an accredited program (s) specific (s) discipline (s), in which instructor is interested in teaching, with a minimum of sixteen (**16**) hours of training.
 3. Have at least two (**2**) years of experience, education or training in the disciplines they teach.
 4. To offer courses for *Renovator* or *Dust Sampling Technician*, the Guest Instructor is required to have taken a minimum of eight (**8**) hours of training in each one of the courses.

- D. The EQB shall recognize the following documents as proof that the Training Manager, and Principal Instructors, and Guest Instructors, meet the educational requirements, work experience and training, which are specifically listed in paragraphs A, B and D of Rule 1532. The following documents shall be submitted with the application for accreditation of the training program:
1. A copy of the official academic transcript or diploma as evidence that satisfies the academic requirements.
 2. Resume, reference letters, or documents relating to their work experience, as evidence that satisfies the requirements of work experience. These documents shall include, but not limited to: the documented history of work-related experience, including the dates of employment, name, address and telephone number of the employer; positions to be occupied, completed projects and description of responsibilities during projects.
 3. A copy of the training certificates for train the trainer courses and/or abatement courses on LBP, as proof of having fulfilled the training requirements.
- E. The Training Manager (TM) shall provide the necessary facilities to give lectures, administer examinations of the course, give hands-on activities and evaluation activities. This includes providing training equipment that reflects current work practices, and maintains equipment and facilities as needed. The TM shall notify the EQB of any change of address. The TM shall provide a diagram with directions of the facility lecture and hands-on facilities, and a list of all equipment and supplies that will be used for lecture and hands-on activities.
- F. The Training Manager is responsible for ensuring that instructors teach precisely the curriculum of the training course which was accredited by the EQB.
- G. For each course offered, the Training Manager shall carry out an assessment of hands on activities, if applicable, and a review of the course material. To successfully complete the training course, each participant must attend at least ninety-five percent (**95%**) of the training course, successfully completing the assessments of hand on activities, and pass the exam with a seventy percent (**70%**) or more correct answers. The TM will issue a certificate of completion of the course to students who pass the course.
1. The TM will be responsible for maintaining the validity and integrity of the assessment of hands-on activities to ensure that accurately assesses the performance of trainees in work practices and procedures associated with the themes of the program courses training, in accordance with Rule 1533 of this Chapter.
 2. The TM will be responsible for maintaining the validity and integrity of the examination of the course to ensure that it accurately assess the knowledge of the topics of the course.
 3. The course exam will be developed according to the course outline. Any examination of the initial course of *Abatement Worker (AW)* and all other disciplines will consist of a minimum of one hundred (100) multiple choice questions. All other exams disciplines (*Renovator* and *Dust Sampling Technician*) will consist of a minimum of fifty (50) multiple choice questions.
 4. The refresher exams will consist of twenty-five (25) questions for *Worker, Renovator* and *Dust Sampling Technician* and fifty (50) multiple choice questions for all other disciplines: *Inspector, Risk Assessor, Supervisor and Project Designer*.
- I. The TM will issue a course completion certificate, as specified in Rule 1531-A 14 a-k of this Chapter, to every person who successfully completes the training program.

- J. The TM shall develop and implement a quality control plan for the training course. The TM shall ensure training is in compliance with the procedures and measures set out in the quality control plan. The quality control plan will be used to maintain and improve the quality of the training program. This plan must contain at least the following elements:
1. Procedures to periodically review the training materials and course exam to reflect the innovations in the field of matter.
 2. Procedure for annual review by the TM on the competence of the Principal Instructor (s).
 3. The Principal Instructor (s) shall follow the training curriculum that was accredited by the EQB.
 4. Each initial training course should not exceed twenty-five **(25)** participants.
 5. All the requirements of training courses must be completed within a period of two **(2)** weeks from the beginning date of the course.
 6. Training courses of *Lead Abatement Worker, Renovation and Dust Sampling Technician* shall have at least one (1) Principal Instructor. Other initial courses have a minimum of two **(2)** instructors.
 7. For the assessment of hands-on activities, the ratio of instructors and participants shall be no more than 6:1 participants per instructor; each training course will be used to teach only one discipline.
 8. Establish procedures for participants to take the exam of the course no more than two **(2)** times for each training course. After failing to pass the examination twice, the participant shall repeat the full course before repeating the test.
 9. Provide the necessary safeguards to ensure that training course participants have **no** access to test questions, or test, before, or after administering the same.
 10. Establish procedures necessary to prevent fraud during the administration of the examination. The security measures to be taken when administering the test will be established in the Quality Control Plan. Among other things, the examiner must verify the identity of each participant with an identification card with photo.
 11. Each training day must consist of a minimum of eight **(8)** hours per day, of which six and a half **(6.5)** shall be through direct classroom classes, practical training exercises and field visits, except for the *Project Designer* refresher course.
 12. The training day shall not exceed twelve **(12)** hours in a twenty-four **(24)** hours period.
- K. The training program will offer courses that teach work practices to carry out activities related to lead-based paint contained in Chapter VI of these Regulations. These Rules will be taught in the courses so that the trainees receive the knowledge necessary to perform activities of lead-based paint.
- L. The Training Manager will be responsible for ensuring that the training program complies at all times with the requirements of Chapter IV of this Regulation.
- M. At the conclusion of the courses, the TM shall provide all course attendee's copies of the Regulations for the *Control of Lead-Based Paint Abatement Activities and RR & P.*, and requests for certification.

RULE 1533 - Minimum Requirements for Training Course Curriculum

A. For accreditation, Training Managers shall ensure that their training curriculum include at least the following items listed below. *The requirements listed for each training course that are marked with an asterisk (*), are the training topics that require hands-on activities as an integral part of the course.*

B. Inspector

1. Roles and responsibilities of *Inspector*.
2. Information on lead and its adverse health effects.
3. Information about regulations and Federal and State guidelines on lead-based paint and related activities.
4. Inspection methods for lead-based paint, including methods for selecting rooms, sampling and testing components*.
5. Methodology for sampling paint, dust, soil and water*.
6. Standards and tests to determine levels of cleanliness, including random sampling*.
7. Preparation of the final inspection report*.
8. Maintenance of files and records.
9. The minimum duration of the course is twenty-four (**24**) hours of training, with a minimum of eight (**8**) hours devoted to hands-on activities*.

C. Risk Assessor (RA)

1. Roles and responsibilities of the *Risk Assessor*.
2. Compilation of background information to perform a risk assessment.
3. Sources of environmental contamination by lead, such as painting, surface dust, soil, water, air, and food packaging.
4. Visual inspection in order to identify lead-based paint and hazards associated with lead-based paint*.
5. Protocol on the preliminary analysis of the risks posed by lead-based paint.
6. Sampling for other sources of lead exposure*.
7. Interpreting the results of the sampling of lead-based paint and other lead sampling, including any regulations or Federal or State guidance on the risks posed by lead-based paint.
8. Development of risk control options, the role of interim controls, operations and maintenance in reducing risks posed by lead.
9. Preparation of a final risk assessment report.
10. The minimum duration of the course is sixteen (**16**) hours of training, with a minimum of four (**4**) hours devoted to hands-on activities*.

D. Supervisor

1. Roles and responsibilities of *Supervisor*.
2. Background information on lead and its adverse health effects.

3. Information on the background on EPA regulations, HUD, OSHA and other regulations, Federal and State guidelines related to the abatement of lead-based paint.
4. Legal liability issues and insurance relating to the abatement of lead-based paint.
5. Interpretation of inspection reports and risk assessment*.
6. Development and implementation of a Plan to Protect Residents and abatement report.
7. Recognition and control of hazards caused by lead-based paint*.
8. Methods of abatement and risk reduction of lead-based paint, including restricted practices*.
9. Abatement methods and interior cleaning particulate (dust) or methods to reduce or control hazards caused by lead*.
10. Dust abatement methods or exterior lead-contaminated soil and methods of reducing or controlling risks posed by lead-based paint*.
11. Standards and sampling to determine levels of cleanliness*.
12. Regulations and practices for cleaning and waste disposal.
13. Maintenance of files and records.
14. The minimum duration of the course is thirty-two (32) hours of training, with a minimum of eight (8) hours devoted to hands-on activities*.

E. Project Designer (PD)

1. Roles and responsibilities of a *Project Designer*.
2. Development and implementation of a Plan to Protect Residents for abatement projects in large scale.
3. Abatement methods and reduction of risks from lead-based paint abatement projects of five (5) or more housing units.
4. Abatement methods and cleaning particulate (dust) in interior areas, methods for reducing or controlling risks posed by lead in abatement projects on a large scale.
5. Standards and sampling to determine cleanup levels for abatement projects on a large scale.
6. Integration of abatement methods of lead-based paint with modernization and rehabilitation projects on a large scale.
7. The minimum duration of the course is eight (8) hours of training.

F. Lead-Abatement Worker (LAW)

1. Roles and responsibilities of the worker.
2. Background information on lead and its adverse health effects.
3. Background information on regulations and Federal and State guidelines related to lead-based paint abatement.
4. Recognition and control of hazards from lead-based paint*.
5. Abatement methods and reduction of risks from lead-based paint, including restrictive practices*.
6. Abatement methods/interior cleaning particulate (dust), or methods to reduce or control hazards caused by lead-based paint*.

7. Abatement methods in soil, exterior particulate and reduction hazards from lead-based paint*.
8. The minimum duration of the course is sixteen (**16**) hours of training, with a minimum of eight (**8**) hours devoted to hands-on activities*.

G. Renovator (R)

1. Role and responsibilities of *Renovator*.
2. Information on lead and its adverse health effects.
3. Background information on EPA, HUD, OSHA and other regulations and Federal and State guidelines related to abatement of lead-based paint.
4. Procedures for using the kits ("lead test kit") that are accepted to determine the presence of lead-based paint*.
5. Renovation methods to reduce dust generation and risks of lead-based paint.
6. Methods for containment, interior and exterior, and cleaning.
7. Methods to ensure that the renovation is completed properly, including cleaning verification and testing to determine the levels of cleanliness.
8. Waste management and disposal.
9. Training in the workplace of other workers.
10. Preparation of documents generated in the workplace.
11. The minimum duration of the course is eight (**8**) hours of training, with two (**2**) hours devoted to hands-on activities*.

H. Dust Sampling Technician (DST)

1. Duties and responsibilities of *Dust Sampling Technician*.
2. Background information on lead and its adverse health effects.
3. Background information on EPA, HUD, OSHA and other Federal regulations, State, local and guidelines related to lead-based paint and renovation activities.
4. Dust sampling methodologies.
5. Levels of cleaning and testing*.
6. Report preparation.
7. The minimum duration of the course is eight (**8**) hours of training, with two (**2**) hours devoted to hands-on activities*.

RULE 1534 - Minimum Requirements for Program Accreditation of Lead Abatement and Renovation; Refresher Courses

- A. The Training Manager (TM) may request that refresher training may be offered on any of the following disciplines: *Inspector, Risk Assessor, Supervisor, Project Designer, and Worker*.
- B. The TM may apply for accreditation to offer training courses in *Renovator and Dust Sampling Technician*, and apply for accreditation to offer refresher courses for each of the above disciplines. The TM of the training school that requests accreditation to provide initial or refresher courses. The TM that offers the initial and refresher courses shall meet the requirements of this Rule.

For the accreditation of the Environmental Quality Board (EQB) to provide a refresher course, a training program shall meet and maintain the following minimum requirements:

1. Each refresher course should cover the subjects of the curriculum of the courses listed in Rule 1533 of the Regulation, as necessary. In addition, to obtain accreditation to offer refresher courses, the Training Manager shall ensure that the curriculum of courses includes at least the following:
 - a. A review of the latest safety practices related to lead-based paint abatement, renovation and *Dust Sampling Technician* activities; as well as specific information pertaining to the appropriate discipline.
 - b. A review of the most recent laws and regulations related to lead-based paint abatement, renovation and *Dust Sampling Technician* activities, as well as specific information pertaining to the appropriate discipline.
 - c. A review of the most recent technology related to lead-based paint abatement, renovation and *Dust Sampling Technician* activities; as well as specific information pertaining to the appropriate discipline.
2. The duration of each refresher course for lead abatement (*Worker, Inspector, Risk Assessor, and Supervisor*) will be of a minimum of eight (8) hours of training.
3. The refresher course for *Project Designer, Renovator, and Dust Sampling Technician* will be of a minimum of four (4) hours of training.
4. For each course offered the Training Manager (TM) shall carry out an assessment of hands-on activities, if applicable. At the end of the course an exam will be given. The TM will grant to participants who pass the test a certificate of completion of refresher course. The refresher course shall have a minimum of twenty-five (25) multiple choice questions.
5. The TM wanting to offer refresher courses shall meet and maintain the requirements of the Rules 1531 to 1536 of this Chapter.

RULE 1535 - Minimum Requirements for Notification of Training Program; Custody of Records and Registration

A. The Training Managers shall submit to the EQB as follows:

1. A *Notice of Intent to Conduct a Training Course*

The Notices for Training Courses of *Abatement Worker, Renovator and Dust Sampling Technician* shall be received at and stamped by Secretariat Office, five (5) calendar days before the course start date. Notices for Training Courses of *Inspector, Risk Assessor, Supervisor and Project Designer* shall be received at and stamped by Secretariat Office, ten (10) calendar days before the start date. If the course is canceled, the TM shall notify the EQB at least one (1) calendar day before the scheduled start date to begin the course. The *Notice of Intent to Conduct a Training Course* must be submitted on forms provided by the EQB and shall include, but is not limited to, the following:

- a. Name, address, telephone number of the training program and name of contact person.
- b. Training course title.

- c. The dates between the training course and examination.
 - d. Time of commencement and completion of the training course.
 - e. Location and directions to the place where the course will be offered, if the place is not the usual to administer the training program.
 - f. Language of the course instructor training will be administered in Spanish or English.
 - g. Principal Instructor of the training course.
 - h. The signature of the Training Manager.
2. The student roster shall be submitted to Environmental Quality Board not later than seven (7) calendar days from the last day of training. The roster of the course shall be submitted on the forms supplied by EQB and shall contain the name of each person who attended the training course and indicate if a certificate was issued.
 3. Any change in course length, curriculum, training methods, manual, training materials, the instructor, the course examination, certificate of training, the Training Manager and contact person. This shall be in writing and submitted to the EQB at least ten (10) calendar days before the scheduled start date for the training course. The changes shall be approved by the EQB before implementing, so that the course will be accepted for accreditation purposes.
 4. The curriculum, materials, and documents reflecting any changes made to these materials, as provided in subsection A 3 of this Rule. These must be submitted to the EQB when the Training Manager requests the renewal of accreditation.
- B. The Training Manager shall maintain and make available to the EQB the following information for its inspection:
1. Information and documentation for any course accredited under Chapter IV of these Rules.
 2. Information on how each student is evaluated in relation to the hands on activities, tasks and working procedures. This includes, but is not limited to: the instructor who conducted the evaluation, eligibility criteria, facilities that are used and the ratio of students who passed and failed.
 3. The results of evaluations of the reviews of the courses, hands on activities evaluations, and a record of course completion certificate for each student.
 4. The quality control plan as described in Rule 1532-J of this Chapter.
 5. Any other material, not listed above that was submitted to the EQB as part of the application for accreditation of the program.
- C. The Training Manager will retain records and files specified in subsection B of this Rule, at the address specified in the application of the training program for a minimum of five (5) years. The Training Manager shall notify the EQB, within a period of thirty (30) calendar days, pertaining to changes to the address specified in the application of the training program, transfer of files and records outside that address.

RULE 1536 - Minimum Requirements for Reaccreditation of Training Programs

- A. All Training Managers that are interested in reaccreditation of training courses must submit a completed application on forms provided by the EQB, with all the necessary and relevant information and the application shall be signed by the Training Managers. The renewal application shall include, but not limited to:
1. The name, address and telephone number of the training program;
 2. A list of all courses for which the Training Manager seeks the re-accreditation;
 3. A description of any change made in training facilities, equipment, curriculum, hands on activities, trainers and the quality control plan after approval of the last accreditation request.
 4. A statement signed by the Training Manager certifying that the training program meets all the requirements in Chapter IV of these Rules.
- B. The application for reaccreditation of courses shall be hand delivered and filed before the Environmental Quality Board (EQB) thirty (**30**) calendar days before the date of expiration. For each course accredited by the EQB, reaccreditation application will be postmarked or hand delivered thirty (**30**) calendar days before the expiration date. This shall include a preliminary filing fee for reaccreditation of (the) course (s) in the amount of twenty-five dollars (\$25) and a reaccreditation fee in the amount of four hundred dollars (\$400) for each training course, payable by certified check or money order to the Secretary of the Treasury. The preliminary filing fee is not refundable.
- C. The Training Manager that submits an application for re-accreditation of course after the expiration date shall be governed by the requirements specified in Rule 1531 of this Chapter for purposes of accreditation.
- D. The Environmental Quality Board may inspect the training program at any time to verify the contents of the application for re-accreditation.
- E. The re-accreditation of the training program shall expire twelve (**12**) months from the date of its approval by the Board.

RULE 1537 (Reserved)

RULE 1538 - Modification, Suspension and Revocation of Accredited Training Programs

- A. The EQB may investigate the acts of any training program and may modify, suspend or revoke any training program accreditation, including refresher training accreditation, and impose fines or both, upon a determination that the training program, the Training Manager, or other person with supervisory authority over the training program has:
1. Misrepresented the contents of a training course to the Environmental Quality Board and/or the student population.
 2. Failed to submit required information or notifications in a timely manner;
 3. Failed to maintain required records.
 4. False accreditation records, instructor's qualifications, or other accreditation-related information or documentation.
 5. Failed to comply with the training standards and requirements in this Chapter.

6. Failed to comply with Federal, State, or local lead-based paint statutes or regulations.
 7. Made false or misleading statements to the EQB in its application for accreditation or re-accreditation, which the EQB relied upon in approving the application.
 8. Any violation of these Regulations.
- B. Procedures for Modification, Suspension or Revocation of Training Program Accreditation
1. Prior to taking action to modify, suspend, or revoke the accreditation of a training program, the EQB shall notify the affected entity in writing of the following:
 - a. The legal and factual basis for the modification, suspension, or revocation;
 - b. The anticipated commencement date and duration of the modification, suspension or revocation;
 - c. Actions, if any, which the affected entity may take to avoid modification, suspension or revocation to receive accreditation in the future;
 - d. The opportunity and method for requesting a hearing prior to final EQB action to modify, suspend or revoke accreditation;
 - e. Any additional information, as appropriate that the EQB may provide.
 2. If a hearing is requested by the accredited training program, all proceedings before the EQB shall be conducted in accordance with Rule 1546-C 2 a-h of Chapter V.
- C. In case of revocation of accreditation of a training program, the revocation shall be for a term of not less than six (**6**) months and not more than five (**5**) years at the discretion of the Environmental Quality Board. The EQB may, also, impose administrative fines for violations of subsection A of this Rule.
- D. In cases where the EQB determines that the violation has occurred for acts caused by acts of person(s) within the training program, the EQB may revoke the accreditation of such person for a term of not less six (**6**) months and not more than five (**5**) years and impose administrative fines or both.

RULE 1539 (Reserved)

CHAPTER V

CERTIFICATION REQUIREMENTS AND APPLICATION PROCEDURES FOR INDIVIDUALS, ABATEMENT AND RENOVATION FIRMS

RULE 1540 - Scope

- A. After the submission of an application that meets all requirements of this Chapter and the Environmental Quality Board (EQB) determines that the person has complied with the applicable requirements for activities related to lead-based paint (LBP), the EQB certifies the applicant as an *Inspector, Risk Assessor, Supervisor, Project Designer, Abatement Worker, Renovator and Dust Sampling Technician*.
- B. The EQB will issue an individual a certificate with a unique certification number and a photo identification card.
- C. The EQB will issue a certificate with a unique number to every firm registered to carry out abatement and renovation activities of LBP.
- D. When educational experience is required for an individual, the EQB will accept an official copy of academic transcript of the approved courses, diploma, or professional certificate as evidence of compliance with educational requirements.
- E. When work experience is required for an individual, the EQB recognizes a resume, or a letter of reference from an employer, current or past, as evidence of compliance with the requirements of work experience. These documents shall include, without limitation, a documented history of work-related experience, including dates of employment, name, address, and telephone number of the employer; completed projects, and the responsibilities of the post.
- F. After receiving certification from the EQB, the individuals certified to conduct activities related to lead-based paint shall work for a certified abatement and renovation firm and meet the standards for activities related to lead-based paint, as provided in Chapter VI of these Regulations.
- G. All accredited training programs certifications, for individuals and firms, shall expire twelve (12) months from the date of issuance. The work performed after twelve (12) months shall constitute a violation of these Regulations, if accreditation or certification is not renewed.
- H. Applicants must meet the requirements of Rule 1544 of this Chapter, to maintain certification as an individual and/or firm that engages in lead-based paint activities.
- I. An **individual who works for state or federal agency** engaged in LBP activities will be fee-exempt for certification. Such person, who works for the government entity, shall be obliged to take the training courses and the state examination, and to complete the forms provided, with their requirements, for certification. This individual will be limited to supervise LBP activities and evaluate documents. Any study of inspection, risk assessment, and project design, of mitigation and renovation, **shall not** be accepted in the permit application if the person works for a state or a federal government entity.
- J. Persons requesting a replaced ID card shall pay a fee of twenty-five dollars (\$25.00) by check or money order to the Secretary of the Treasury of Puerto Rico.

RULE 1541 - Requirements for Individuals Certification

- A. No individual or firm will engage in lead-based paint (LBP) activities unless the individual or firm has received the appropriate certification of the EQB in accordance with the requirements of this Regulation.
- B. The procedures and requirements that a person shall meet to obtain certification of the EQB are the following requirements:
1. To obtain a Lead Abatement Worker certification, the applicant must comply with the following requirements:
 - a. Successfully complete an accredited training program of sixteen (16) hours and receive the certificate of completion of *LBP Worker*.
 - b. Submit a completed application for certification on forms provided by the EQB with all information requested, including two (2) photos, with the original signature, and date.
 - c. Demonstrate compliance to the EQB and that the applicant is familiar with and capable of complying with all applicable Federal and State laws and regulations.
 - d. Submit the certificate, original and copy, of completion of the course in the discipline of *LBP Worker*. On the alternative, submit a letter, original and copy, with the accredited training program letterhead, certifying that the applicant completed this training course. These documents shall be submitted in person to EQB, and the project staff of the Toxic Waste Division shall certify the copies as a true and accurate to the original.
 - e. Submit a filing fee of fifty dollars (\$50) and a certification fee of seventy-five (\$75) dollars by check or money order to the Secretary of the Treasury of Puerto Rico. The filing fee is not refundable.
 - f. An individual working on renovation projects as a non-certified renovation worker **does not** have to be certified, but shall be trained by a certified *Renovator* to perform the required renovation work duties.
 2. To obtain an LBP Inspector certification, the applicant must comply with the following requirements:
 - a. Successfully complete an accredited training course of twenty-four (24) hours of lead-based paint *Inspector*;
 - b. The *Inspector* certification shall be passed with a minimum score of 70%, and take an examination within six (6) months of receiving the course completion certificate. During these six (6) months, the certification exam can be taken no more than three (3) times. If an individual does not pass the certification exam and receive a certificate within the six (6) month period after receiving their course completion certificate, the individual must retake the initial course from an accredited training before re-examination.
 - c. Successfully pass the state exam and receive the letter of approval from EQB in the discipline of *Inspector*.
 - d. Submit a completed application for certification on forms provided by the EQB with all information requested the applicant's original signature, date and two (2) photos.

- e. Submit the certificate, original, and copy of completion of the course in the discipline of LBP *Inspector*. On the alternative, submit a letter, original and copy, with the accredited training program letterhead, certifying that the applicant completed this training course. These documents shall be submitted in person to EQB, and the project staff of the Toxic Waste Division shall certify the copies as a true and accurate to the original.
 - f. Original and copy of the letter confirming approval of the state examination part of EQB in the discipline for which certification is sought. These documents shall be filed in person before the EQB, and the staff of the Toxic Waste Division shall certify the copies as a true and accurate to the original.
 - g. Submit a filing fee of fifty dollars (\$50) and a certification fee of one hundred twenty-five dollars (\$125) by certified check or money order to the Secretary of the Treasury of Puerto Rico. The filing fee is not refundable.
 - h. Meet or exceed **one (1)** the following requirements of education or experience:
 - (1) A Bachelor Degree and one (1) year of experience in a related field including, but not limited to, lead, asbestos, environmental remediation work, or construction.
 - (2) An Associate Degree and two (2) years experience in a related field, including, but not limited to, lead, asbestos or environmental remediation work, or construction.
 - (3) A certification as industrial hygienist, professional engineer, registered architect, and/or certification in fields related to engineering, health and the environment, including, but not limited to, health professional, and/or environmental scientist.
 - (4) Have a high school diploma, a GED, and minimum three (3) years of experience in related fields, including, but not limited to, lead, asbestos, environmental remediation work, or construction.
 - i. Demonstrate compliance to the EQB and that the applicant is familiar with and capable of complying with all applicable Federal and State laws and regulations.
3. To obtain a Supervisor certification, the applicant must comply with the following requirements:
- a. Successfully complete a course of thirty-two (32) hours training program and receive the certificate of completion of accredited training program in the discipline of *Supervisor*.
 - b. The *Supervisor* certification shall be passed with a minimum score of 70%, and within six (6) months of receiving the course completion certificate. During these six (6) months, the certification exam can be taken no more than three (3) times. If an individual does not pass the certification exam and receive a certificate within the six (6) month period after receiving their course completion certificate, the individual must retake the initial course from an accredited training before re-examination.
 - c. Pass a state exam and receive a letter of approval from the EQB in the discipline of *Supervisor*.
 - d. Meet or exceed the following requirements of education or experience:

- (1) High school diploma, or its equivalent (GED), and one (1) year of experience as a certified lead-based paint *Abatement Worker*.
 - (2) A minimum of two (2) years of experience in a related field, including, but not limited to: lead, asbestos or environmental remediation work or in the buildings trades.
- e. Demonstrate compliance to the EQB and that the applicant is familiar with and capable of complying with all applicable Federal and State laws and regulations.
 - f. Submit a completed application for certification on forms provided by the EQB with all required information. It will also include the original signature of applicant, date, and two (2) photos.
 - g. Submit the original certificate, and copy of completion of the course in the discipline of LBP *Supervisor*. On the alternative, submit a letter, original and copy, with the accredited training program letterhead, certifying that the applicant completed this training course. These documents shall be submitted in person to EQB, and the staff of the Toxic Waste Division shall certify the copies as a true and accurate to the original.
 - h. Submit filing fee of fifty dollars (\$50) and a certification fee in the amount of one hundred twenty-five dollars (\$125) by certified check or money order to the: Secretary of the Treasury of Puerto Rico. The filing fee is not refundable.
4. To obtain a LBP Risk Assessor certification, the applicant must comply with the following requirements:
- a. Successfully complete a course of sixteen (16) hours in the discipline of *LBP Risk Assessor*, and twenty-four (24) hours of accredited training program in the discipline of *LBP Inspector*.
 - b. The *LBP Risk Assessor* certification shall be passed with a minimum score of 70%, and completed within six (6) months of receiving the course completion certificate. During these six (6) months, the certification exam can be taken no more than three (3) times. If an individual does not pass the certification exam and receive a certificate within the six (6) month period after receiving their course completion certificate, the individual must retake the initial course from an accredited training before re-examination.
 - c. Pass the state exam and receive a letter of approval from EQB in the discipline of *Risk Assessor*.
 - d. Submit a copy of the twenty four (24) hours course certificate of an accredited training program in the discipline of *Inspector*, as a pre-requisite for a Risk Assessor certification.
 - e. Demonstrate compliance to the EQB and that the applicant is familiar with and capable of complying with all applicable Federal and State laws and regulations.
 - f. Meet or exceed **one (1)** of the following requirements of education or experience:
 - (1) Certification as an industrial hygienist, professional engineer, registered architect, and/or certification in fields related to engineering, health and the

environment, including, but not limited to, health professional, and/or environmental scientist.

- (2) A Bachelor's Degree and one (1) year of experience in a related field including but not limited to, lead, asbestos, environmental remediation work or construction.
 - (3) An Associate Degree, and two (2) years experience in a related field, including but not limited to, lead, asbestos, or environmental remediation work or construction.
 - (4) A high school diploma, or GED and a minimum of three (3) years of experience in a related field, including, but not limited to, lead, asbestos, or environmental remediation work, or construction.
- g. Submit a completed application for certification provided by the EQB with all required information. It will also include the original signature of applicant, date, and two (2) photos;
 - h. Submit the certificate, original and copy of completion of the course in the discipline of *LBP Inspector* and *LBP Risk Assessor*. On the alternative, submit a letter, original and copy, with the accredited training program letterhead, certifying that the applicant completed this training course. These documents shall be submitted in person to EQB, and the staff of the Toxic Waste Division shall certify the copies as a true and accurate to the original;
 - i. Submit filing fee of fifty dollars (\$50), and a certification fee in the amount of one hundred twenty-five dollars (\$125), by certified check, or money order to the: Secretary of the Treasury of Puerto Rico. The filing fee **is not** refundable.
5. To obtain a LBP Project Designer certification, the applicant must comply with the following requirements:
- a. Successfully complete an initial course of eight (8) hours as *Project Designer*, and receive the course certificate of completion of thirty-two (32) hours in the discipline of *LBP Supervisor* of accredited training program; and
 - b. Submit a copy of the thirty two (32) hours course certificate of an accredited training program in the discipline of *Supervisor*.
 - c. Meet or exceed **one (1)** of the following education and experience requirements:
 - (1) Have a Degree as professional engineer, licensed architect, or a related profession, and one (1) year of experience in design and building construction or in a related field.
 - (2) A Bachelor's Degree in engineering, architecture or a profession related to engineering or architecture, and one (1) year of experience in design and building construction or in a related field.
 - d. Submit a completed application for certification on forms provided by the EQB with all required information. It will also include the original signature, date, and two (2) photos
 - e. Submit the original certificate and copy of completion of the course in the discipline of *LBP Project Designer*, and *LBP Supervisor*. These documents shall be submitted

in person to EQB, and the staff of the Toxic Waste Division shall certify the copies as a true and accurate to the original.

- f. Submit filing fee of fifty dollars (\$50), and a certification fee in the amount of one hundred twenty-five dollars (\$125), by certified check, or money order to: the Secretary of the Treasury of Puerto Rico. The filing fee is not refundable.
 - g. Demonstrate compliance to the EQB and that the applicant is familiar with and capable of complying with all applicable Federal and State laws and regulations.
6. To obtain a Renovator certification, the applicant must comply with the following requirements:
- a. Successfully complete **one (1)** of the following:
 - (1) A course of eight (8) hours and receive the certificate of completion of accredited training program in the discipline of LBP *Renovator*, with a minimum of two (2) hours in hands-on training; or
 - (2) An accredited refresher four (4) hours *Renovator* training course, in lieu of the initial *Renovator* training course to become a certified *Renovator*, if the individual has previously successfully completed a sixteen (16) hours *Abatement Worker* course, a thirty two (32) hours *Supervisor* course, or courses in lead safe work practices meeting EPA, RR&P, HUD or EPA/HUD requirements.
 - b. Submit a completed application for certification on forms provided by the EQB with all required information. It will also include the original signature, date and two (2) photos.
 - c. Submit original and copy of certificate of completion from the course of eight (8) hours or four (4) hours in the discipline of *Renovator*. These documents must be filed in person before the EQB, and the staff of Toxic Waste Division will certify the copies as a true and accurate to the original.
 - d. Demonstrate compliance to the EQB and that the applicant is familiar with and capable of complying with all applicable Federal and State laws and regulations.
 - e. Submit filing fee of fifty dollars (\$50), and a certification fee, in the amount of one hundred twenty-five dollars (\$125), by certified check, or money order, to the: Secretary of the Treasury. The filing fee **is not** refundable.

7. Renovator Responsibilities

Certified *Renovators* are responsible for ensuring compliance with Rule 1554, at all renovations to which they are assigned. A certified *Renovator* must:

- a. Perform all of the tasks described in Rule 1554-A 1-4 of Chapter VI and shall either perform or direct workers who perform all of the tasks.
- b. Provide training to workers on the work practices they will be using in performing their assigned tasks.
- c. Be physically present at work site (Rule 1554-A) when the signs required by Rule 1554-A 2. b. (2) (b) y 3. a. (1); are posted; while the work area containment required by Rule 1554-A 3. a. (2) is being established, and while the work area cleaning required by Rule 1554-A 3. (7) of Chapter VI is performed.

- d. Direct work being performed by other individuals to ensure that the work practices are being followed, including maintaining the integrity of the containment barriers and ensuring that dust or debris does not spread beyond the work area.
 - e. Be available, either on-site or by telephone, at all times that renovations are being conducted.
 - f. When requested by the party contracting for renovation services, utilize a lead-test kit recognized by EPA to determine whether components to be affected by the renovation contain lead-based paint.
 - g. Carry at the work site, copies of their initial course completion certificate, their most recent refresher course completion certificate and their current EQB *Renovator* certification certificate.
 - h. Prepare the records required by Rule 1554-A 4 of Chapter VI.
8. To obtain a Dust Sampling Technician (DST) certification, the applicant must comply with the following requirements:
- a. Have a high school diploma, or its equivalent (GED).
 - b. Successfully complete an accredited eight (8) hours training program for lead-based paint (LBP) dust sampling technicians, with two (2) hours in hands-on activities.
 - c. Successfully complete an accredited four (4) hours Dust Sampling Technician refresher course, if the individual have successfully completed an accredited *LBP Inspector* or *Risk Assessor* course, in lieu of the initial training to become a certified *Dust Sampling Technician*.
 - d. To maintain certification, the person shall complete an annual refresher course from an accredited training program.
 - e. The *Dust Sampling Technicians* shall not conduct dust sampling in LBP abatement, unless they have *Inspector* or *Risk Assessor* certification.
 - f. Submit filing fee of fifty dollars (\$50), and a certification fee in the amount of one hundred twenty-five dollars (\$125), by a check, or money order to the: Secretary of the Treasury. The filing fee **is not** refundable.
 - g. Demonstrate compliance to the EQB and that the applicant is familiar with and capable of complying with all applicable Federal and State laws and regulations.
9. Dust Sampling Technician Responsibilities during Renovations
- a. When performing optional dust clearance sampling under Rule 1554-A 3 a. (8) (c) (i) – (iii) of Chapter VI, a certified *Dust Sampling Technician* shall:
 - (1) Collect dust samples in accordance with Rule 1555-A; and
 - (2) Sent the collected samples to a laboratory recognize by EPA under TSCA section 405 (b), and Rule 1560-A 2; and
 - (3) Compare the results to the clearance levels in accordance with Rule 1570 of Chapter VII.

- (4) Hold a copy of their current EQB *Dust Sampling Technician* certification certificate.

10. Documents

The following documents shall be recognized by the EQB as evidence of meeting the requirements listed in Rule 1541-B 1-8 of Chapter V:

- a. Official academic transcripts or diploma, as evidence of meeting the education requirements.
- b. Resumes, letters of reference, or documentation of work experience, as evidence of meeting the work experience requirements.
- c. Course completion certificates from lead-specific or other related training courses, issued by accredited training programs, as evidence of meeting the training requirements.

11. EQB will exercise his discretion regarding the disposal of all records from individuals engaged in abatement and renovation activities.

12. Certification Based on Prior Training: *Renovator* and *Dust Sampling Technician*

Training Prior to the Promulgation of these Amended Regulations:

Any individual, who received lead-based paint (LBP) *Renovator* or *Dust Sampling Technician* activity training between April 22, 2010 and the effective date of these Regulations, shall be eligible for certification by the EQB under the alternative procedures contained in this paragraph. Individuals, who have received LBP activities training at an EPA-authorized State or Tribal accredited training program, shall also be eligible for certification by the EQB under the following alternative procedures.

- a. Applicants for certification as *Renovator* and *Dust Sampling Technician* must:
 - (1) Show proof that the applicant has successfully completed the initial training for the appropriate discipline.
 - (2) Show proof that the applicant meets or exceeds the education and experience requirements in Rule 1541-B 6, 8.
 - (3) Successfully complete an accredited refresher training course (if applicable) for the appropriate discipline.
 - (4) Pass the exam administered by the Training Providers for the appropriate discipline.
 - (5) Any individual who qualifies for certification, as set out in this Regulation, shall have three (3) months from the effective date of this Regulation, to apply for such certification. If the applicant fails to obtain certification within this period, the applicant must retake the initial courses and apply for certification pursuant to Rule 1541 of this Regulation.

RULE 1542 - Certification of Lead-Based Paint Firms

- A. Beginning on the date of adoption of this Regulation, all firms which perform, offer or claim to perform any of the lead-based paint (LBP) activities described in Chapter V shall be certified by the EQB.
- B. An abatement and renovation firm seeking certification for LBP activities shall submit to the EQB:
1. A completed application provided by the Toxic Wastes Division;
 2. A letter attesting that the firm shall only employ appropriately certified employees to conduct LBP activities, and that the firm and its employees shall follow the work practice standards in Chapter V for conducting LBP activities; and the required fee of \$550.00 dollars.
 3. After receiving the firm's application, letter requesting certification, and the required certification fee, the EQB shall have fifteen (15) days to approve or disapprove the firm's request for certification. Within that time, the EQB shall respond with either a certificate of approval or a letter describing the reasons for disapproval.
 4. To maintain their certification, firms shall renew their certification license annually (every 12 months) by submitting the required application with the renewal fee.
 5. Submit a completed application for certification form provided by the EQB certifying that the firm:
 - a. Follows the Rules established in these Regulations to carry out LBP activities.
 - b. The firm shall maintain all records pursuant to the requirements in Chapter VI.
 - c. EQB will exercise his discretion regarding the disposal of all records from individuals engaged in abatement and renovation activities.
 6. Submit a statement on any action taken by federal, state or municipal violations, suspensions, revocations, or modifications related to LBP abatement and renovation activities.
 7. Submit filing fee of fifty dollars (\$50), and a certification fee in the amount of five hundred dollars (\$500), by certified check, or money order to the: Secretary of the Treasury of Puerto Rico. The filing fee is not refundable.
 8. A firm must amend its certification within thirty (30) days when a change occurs to the information included in the application form of the most recent certification application. To amend the certification, a firm must submit a new Application for Firm signed by an authorized agent of the firm, noting on the form that it is submitted as an amendment, and indicating the information that has changed. The firm must also pay the correct amount of fees established by Rule 1542-B 7.
- C. Firm responsibilities
1. All individuals performing renovation activities on behalf of the firm are either certified *Renovators*; or have been trained by a certified *Renovator*, in accordance with Rule 1541-B 6, 7 of Chapter V.

2. A certified *Renovator* is assigned to each renovation performed by the firm, and discharges all of the certified *Renovator* responsibilities identified in Rule 1541-B 7 of Chapter V.
3. All renovations performed by the firm are performed in accordance with the work practice standards in Rule 1554-A 3 a. **(1)-(8)** of Chapter VI.
4. The Pre-renovation Education Requirements of Rule 1554-A 2 of Chapter VI have been performed. Requires distribution of Pamphlet *Renovate Right. Important Lead Hazard Information for Families, Child Care Providers and Schools.*
5. All recordkeeping requirements of Rule 1554-A 4 of Chapter VI shall be met.

RULE 1543 - Third Party Exam

- A. Third Party Exam can only be administered by the EQB.
- B. Requirements to take the third party exam for certification for each discipline:
 1. Successfully complete an accredited course in the relevant disciplines; *Inspector, Risk Assessor, and Supervisor.*
 2. Meet or exceed the requirements of education and/or experience in accordance with the provisions of this Chapter for the discipline in which certification is requested.
 3. Take the third party exam in the disciplines of *Inspector, Risk Assessor, and Supervisor* no more than three **(3)** times within a period of six **(6)** months from the date of the course certificate. If a person fails to approve the exam with the minimum passing score of seventy percent (70%) or more, within a period of six **(6)** months from the date of issuance of the course certificate, that person must take the appropriate initial training course as required by this Regulation, before re-examination.
 4. The third party exam will be approved only once for each discipline.
- C. After meeting the requirements for training, education, experience and passing the third party exam, the EQB shall issue such certification.

RULE 1544 - Recertification for Individuals and Firms

- A. After a person meets all the requirements, in accordance with this Regulation, the EQB will renew the certification of that individual in the appropriate discipline.
- B. A certified individual who meets the requirements of this Chapter must recertify twelve **(12)** months from the expiration date of the certificate provided by the Accredited Training Program. Those that take the review course, subsequent to the date of expiration of the previous certification, will be re-certified by a period of twelve **(12)** months, counted from the date of expedition of the certificate provided by the credited training program.
- C. For the Individual Certification renewal the applicant shall comply with the following requirements:
 1. Submit to the EQB a complete signed and dated application with the provided forms containing all the required information and two **(2)** photos.
 2. If necessary, successfully complete a refresher course and receive the appropriate completion certificate, from an accredited training program in the appropriate discipline

for which renewal is sought, within twenty-four (24) months from the last date of training. Individuals that do not successfully complete a refresher course within twenty-four (24) months from the last date of training shall successfully complete the initial training course for renewal of certification. Certified individuals that submit applications for renewal after the expiration date shall follow the requirements specified in Rule 1541 of Chapter V for recertification purposes.

3. Submit original and copy of accredited initial and refresher courses certificate. These documents shall be filed in person at the EQB, and the staff of the Toxic Wastes Division certifies these as true and accurate copies of the original.
 4. Submit a fee in the amount of fifty dollars (\$50), and a renewal fee in the amount of one hundred twenty-five (\$125) dollars, for each discipline renewed (*Inspector, Risk Assessor, Supervisor, Project Designer, Renovation, and Dust Sampling Technician*) except for *Abatement Worker* discipline.
 5. The renewal applicant interested in the discipline of *Abatement Worker* will pay a filing fee of fifty dollars (\$50) and a recertification fee of seventy-five (\$75) dollars. Fees are paid by a check or money order to the: Secretary of the Treasury of Puerto Rico. The filing fee is not refundable.
- D. For the renewal of the Firms' Abatement and Renovation Certification, these shall comply with the following requirements:
1. Submit to the EQB a completed recertification application on forms provided by the EQB, certifying that the company:
 - a. Employs individuals certified by the EQB, to carry out activities related to abatement and renovation activities.
 - b. Comply with all Regulations related to abatement and/or renovation activities; and
 - c. Maintain all required records and files in accordance with the provisions of these Regulations.
 - d. A filing fee for recertification in a check or money order for the sum of fifty (\$50) dollars and the amount of five hundred dollars (\$500) fee to the Secretary of the Treasury of Puerto Rico. The filing fee is not refundable.
 2. Submit a statement regarding any action taken by federal, state or municipal violations, suspensions, revocations or modifications related to LBP abatement and renovation activities.
- E. Firm's recertification applications must be postmarked or hand delivered in person to the EQB, thirty (30) days before the expiration date of the certification.
- F. Any person that needs to take an accredited training course (initial/refresher) that is not available in Puerto Rico, may take any course in the United States, by submitting a written request for authorization to the Toxic Wastes Division, and shall submit to EQB the course approval certificate from an accredited training program. This certificate is valid for no more than two (2) years.

RULE 1545 - Reciprocity for Training Providers and Individuals

A. Training Providers

Any Training Provider which has been issued a certificate of accreditation in another State or a Tribe which has certification, educational, and experience requirements equal to or greater than those of Commonwealth Puerto Rico; and which grants equal accreditation privileges to training providers accredited in Puerto Rico, may be issued an equivalent accreditation in Puerto Rico, upon terms and conditions determined by the Environmental Quality Board.

B. Individuals

1. Any individual who has been issued a certificate, license, or valid permit in an EPA authorized State or EPA run State, territory or a tribe of United States, in order to work in Puerto Rico (PR), which has certification, educational, and experience requirements equal to or greater than those of PR, may apply to the EQB for abatement and renovation activities, and which grants equal certification privileges to individuals certified in PR, shall be issued a certificate in PR upon terms and conditions determined by the EQB.
2. This individual may apply to EQB certification without the need to repeat the initial training requirements.
3. The EQB shall have the authority to recognize the certificate, license, or permit issued by another State, Indian tribe or territory with which the EQB has a written agreement of reciprocity.
4. Any individual wishing to be certified by reciprocity in Puerto Rico, which holds a license or valid certification in any another state, territory or Indian Tribe of the United States shall take a refresher course as defined in Rule 1544-C 2.

C. Any individual wishing to be certified by reciprocity, will also submit to the EQB the following:

1. A complete signed and dated application with the provided forms containing all the required information and two (2) photos.
2. An original and copy of certificate issued by the state, Indian Tribe, or U.S. territory which the individual presents for certification by reciprocity. These documents will be submitted to the EQB's Toxic Wastes Division, to be certified as true and exact copies and return the originals.
3. Submit a filing fee in the amount of fifty dollars (\$50), and a recertification fee in the amount of one hundred twenty-five (\$125) dollars, for each discipline recertified (*Inspector, Risk Assessor, Supervisor, Project Designer, Renovator and Dust Sampling Technician*) except for *Abatement Worker* discipline.
4. The recertification applicant interested in the discipline of *Abatement Worker* will pay a filing fee of fifty dollars (\$50), and a recertification fee of seventy-five (\$75) dollars. Fees are paid by a check, or money order to: the Secretary of the Treasury of Puerto Rico. The filing fee **is not** refundable.

RULE 1546 - Modification, Suspension, and Revocation of Certifications of Individuals and Firms Engaged in Lead-Based Paint Activities

A. The Environmental Quality Board may investigate the actions of any individuals registered in abatement and renovation of lead-based paint (LBP) activities and shall modify, suspend or revoke the certification of those individuals, when it is determined that the individual or firm:

1. Obtained documents for certification or re-certification by fraudulent means;

2. Gained admission and/or completed an accredited training program by false representation of admission requirements;
 3. Obtained certification by fraud or misrepresentation on the certification requirements or related documents to education, training or experience;
 4. Performed work in projects without evidence of his certification.
 5. Allowed the duplication or use of the individual's own certificate by another;
 6. Performed work for which certification is required, but for which appropriate certification has not been received;
 7. Failed to comply with the appropriate work practice standards for LBP activities at Chapter VI of these Regulations;
 8. Failed to comply with Federal, State, or local LBP statutes or regulations;
 9. Made misrepresentations about material facts relevant to the individual certification that engages in abatement or renovation of lead-based paint;
 10. Did not keep records and files or falsifies;
 11. Committed any other act affecting the health, welfare and public safety.
- B. When modifying, suspending or revoking the certification of an individual or a firm carrying out LBP activities, these will qualify for a recertification for a period of six (6) months to five (5) years at the discretion of the EQB, from the date of modification, suspension, or revocation.
- C. Procedure to Modify, Suspend, or Revoke the Certifications of Individuals:
1. Prior to modify suspend, or revoke, or the certification of individuals, EQB Governing Board will notify in writing to the affected party of the following:
 - a. The legal and factual basis for modification, suspension or revocation.
 - b. The anticipated start date and duration of the modification, suspension, or revocation.
 - c. Actions, if any that the affected entity may take to avoid modification, suspension, or revocation or to receive certification in the future.
 - d. The timing and procedure for requesting a hearing prior to modification, suspension, or revocation.
 2. All hearing proceedings before the EQB shall be conducted in accordance with the Regulations on Administrative Hearings Procedure of the EQB of 1988. These proceedings included the following steps:
 - a. Appoint a Hearing Officer presiding over the hearing.
 - b. Hold a fair hearing for the applicant.
 - c. The Hearing Officer will examine all relevant evidence and arguments presented.

- d. The EQB Governing Board will issue the resolution, which is the final determination of the Board, and subject to judicial review. The resolution will contain the start date, and duration of the modification, suspension or revocation.
 - e. If the EQB Governing Board determines that public health, interest or general welfare requires taking immediate action to modify, suspend or revoke the certification of any individual or firm, prior to a hearing, the EQB Board will:
 - (1) Notify the affected individual or firm in accordance with paragraph C 1 a-c of Rule 1546, explaining why it is necessary to suspend the certification of the entity before the conclusion of the hearing.
 - (2) Notify the individual or firm of its right to request a hearing within fifteen (15) days from the notification of the suspension, and the procedures governing the hearing.
 - f. Any notice, decision or order issued by the EQB Governing Board under this Section, including any transcript or verbatim record of oral testimony, any documents submitted by an individual or registered firm, at a hearing under this section, shall be available to the public, except as provided in Section 14 of TSCA. Any hearing in which oral testimony is presented will be open to the public, except the Examiner may exclude the public to the extent necessary to permit the submission of confidential information under Section 14 of TSCA.
 - g. The EQB Governing Board maintains a list of entities whose certification has been modified, suspended and revoked.
 - h. The decision issued under paragraph C 1 a. of this section must specify:
 - (1) An individual whose certification has been suspended shall take a refresher course in the appropriate discipline.
 - (2) An individual whose certification has been revoked shall take an initial course in the appropriate discipline.
 - (3) A certified firm whose certification has been revoked will have to request the certification after the period of revocation ends.
 - (4) If the certification has been suspended, and ends in a period of not more than one (1) year after the individual was certified, he/she will not have to reactivate its certification.
- D. Modification, Suspension, and Revocation of Certifications of Firms Engaged in Lead-Based Paint Activities
- 1. The EQB Governing Board may investigate the actions of any firm registered in abatement and renovation of lead-based paint (LBP) activities and shall modify, suspend or revoke the certification of those firms, when it is determined that firm:
 - a. Documents were obtained for certification or re-certification by fraudulent means.
 - b. Performed work requiring certification at a job site with individuals who are not certified.
 - c. Allowed the duplication or use of the individual's own certificate by another.

- d. Performed work for which certification is required, but for which appropriate certification has not been received.
 - e. Failed to comply with the work practice standards for LBP activities in Chapter VI of these Regulations;
 - f. Failed to comply with Federal, State, or local LBP statutes or regulations;
 - g. Misrepresented facts in its letter of application for certification to the EQB.
 - h. Did not keep records and files or falsified records and files.
 - i. Committed any other act affecting the health, welfare and public safety.
2. Procedures for Modification, Suspension, or Revocation of the Certification of Firms
- a. If the EQB decides to modify, suspend or revoke the firm certification, it shall notify the affected entity in writing of the following:
 - (1) The legal and factual basis for the modification, suspension or revocation.
 - (2) The commencement date and duration of the modification, suspension or revocation.
 - (3) Actions, if any, which the firm or affected entity may take to avoid modification, suspension or revocation, or to receive certification in the future.
 - (4) The opportunity and method for requesting a hearing prior to final EQB Governing Board action to modify, suspend or revoke certification.
 - (5) Any additional information, as appropriate, which EQB may provide.
 - (6) A firm whose certification has been revoked shall re-apply for certification after the revocation ends in order to become certified again.
 - (7) If the firm's certification has been suspended and the suspension ends less than five (5) years after the firm was initially certified or recertified, the firm does not need to do anything to re-activate its certification.
 - b. If a hearing is requested by a certified firm or individuals all proceedings and hearings before the EQB shall be conducted in accordance with the Regulations on Administrative Hearings Procedure of the EQB of 1988.

RULES 1547 - 1548 (Reserved)

CHAPTER VI

WORK RULES TO CARRY OUT ABATEMENT, RENOVATION, REPAIR AND PAINTING ACTIVITIES WITH LEAD-BASED PAINT IN TARGET HOUSING, BUILDINGS, STRUCTURES, AND CHILD-OCCUPIED FACILITIES

RULE 1549 - Scope

- A. No certified individual or firm shall carry out an abatement or renovation activities with lead-based paint (LBP) without a General Permit from the Environmental Quality Board (EQB), except as provided in Rule 1556-B 2 of this Regulation.
- B. All individuals (*Worker, Inspector, Risk Assessor, Supervisor, Project Designer, Renovator, and Dust Sampling Technician*) that carry out LBP activities shall work for a certified firm as an abatement or renovation.
- C. In conducting any activity related to LBP, a certified individual shall perform that activity in accordance with the requirements of this Chapter.
- D. For each lead inspection, preliminary risk analysis, or risk assessment that takes place, the *Inspector* or *Risk Assessor* shall submit, a legible copy of the report. The report must be submitted within thirty (30) days after the inspection, preliminary risk analysis, or risk assessment.
- E. No individual shall carry out LBP activities without carrying at all times the necessary certification for the activity.

RULE 1550 - Inspections or Risk Assessments

- A. Only a person certified by the EQB as *Inspector* or *Risk Assessor* shall perform inspections. Such inspections will be conducted in accordance with the procedures set forth in this Chapter.
- B. When conducting an inspection or risk assessment for the presence of lead-based paint, the following locations will be selected according to the *Documented Methodology*:
 - 1. In a residential dwelling and a facility occupied by children, pregnant women and persons who, for one reason or another, are exposed to lead contamination, each component with a distinct painting history and each exterior component with a distinct painting history shall be tested for LBP, except those components that the *Inspector* or *Risk Assessor* determines to have been replaced after 1978, or to not contain LBP.
 - 2. In a multi-family dwelling and a facility occupied by children, pregnant women and persons who, for one reason or another, are exposed to lead contamination, each component with a distinct painting history in every common area, except those components that the *Inspector* or *Risk Assessor* determines to have been replaced after 1978, or to not contain lead-based paint.
 - 3. In a building or structure occupied by children, pregnant women and persons who, for one reason or another, are exposed to lead contamination, each component with a distinct painting history in every common area, except those components that the *Inspector* or *Risk Assessor* determines to have been replaced after 1978, or to not contain lead-based paint.
- C. Paint shall be sampled in the following manner:

1. The analysis of the paint to determine the presence of lead shall be conducted using Documented Methodologies which incorporate adequate quality control procedures.
 2. All collected paint chip samples collected shall be analyzed in accordance with Rule 1560 of this Chapter, to determine if they have detectable levels of lead that can be quantified numerically.
- D. The certified Inspector or Risk Assessor shall prepare an inspection report which shall include the following information:
1. Date of each inspection.
 2. Address of the building.
 3. Building, structure or dwelling construction date.
 4. Apartment numbers (if applicable).
 5. Name, address, and phone number of the owner or owners of each residential dwelling or child-occupied facility.
 6. Name, signature, and certification number of each certified *Inspector* and/or *Risk Assessor* conducting testing.
 7. Name, address, and telephone number of the certified firm employing each *Inspector* and/or *Risk Assessor*, if applicable.
 8. Each testing method and instrument and/or sampling procedure employed for paint analysis, including quality control data and, if used, the serial number of X-Ray Fluorescence (XRF, for its acronym in English) device. Lead-test kits must be able to determine the presence of lead equal to or greater than 1.0 mg/cm² or 0.5% w/w (5,000 ppm), and must not have more than 5% negative false results in Phase I. In Phase II it must not have more than 10% of positive false results.
 9. Specific locations of each painted component tested for the presence of LBP;
 10. The results of the inspection and risk assessment, expressed in terms appropriate to the sampling method used.
 11. Any other information that the EQB determines to be necessary.

RULE 1551 - Lead Hazard Screen (Preliminary Risk Assessment)

- A. A Lead Hazard Screen shall be conducted only by a person certified by the EQB as a *Risk Assessor*.
1. The Preliminary Risk Assessment shall be conducted as follows:
 - a. Background information, regarding the physical characteristics of the residential dwelling, or child-occupied facility, and occupant use patterns that may cause LBP exposure to one (1) or more children age six (6) years and under, shall be collected.
 - b. A visual inspection of the residential dwelling or child-occupied facility shall be conducted to:

- (1) Determine if any deteriorated paint is present, and
 - (2) Locate at least two (2) dust sampling locations.
- c. If deteriorated paint is present (each surface that contains deteriorated paint, based on *Documented Methodologies* (see definition), that is in poor condition, and have a distinct painting history), shall be tested for the presence of lead.
 - d. In residential dwellings, two (2) composite dust samples, shall be collected; one from the floors, and the other from the windows or windowsill. In rooms, corridors, and stairwells, where one (1) or more children, age six (6) or under, are most likely to come in contact with dust.
 - e. In multifamily-dwellings, building and structures, or facility occupied by children, pregnant women and persons who, for one reason or another, are exposed to lead contamination, in addition to the floor and window samples required in Rule 1551-A 1 d., the *Risk Assessor* shall also collect dust samples from common areas where it is most likely that one or more children six (6) years or under will come in contact with dust.
- B. Dust Samples shall be collected and analyzed in the following manner:
- 1. All dust samples shall be collected using *Documented Methodologies* (see definition) that incorporate appropriate quality control procedures.
 - 2. All collected dust samples shall be tested in accordance with Rule 1560 of this Chapter, to determine if they contain detectable levels of lead that can be quantified numerically.
- C. Paint Chips shall be sampled in the following manner:
- 1. The analysis of paint to determine the presence of lead shall be conducted using *Documented Methodologies* that incorporate adequate quality control procedures.
 - 2. All collected paint chip samples shall be analyzed according to Rule 1560 of this Chapter to determine if they contain detectable levels of lead that can be quantified numerically.
 - 3. The *Risk Assessor* shall prepare a lead hazard screen report, which shall include, but is not limited to, the following information:
 - a. The information required in a risk assessment report as specified in Rule 1552 of this Chapter, including Rule 1550-D 1-11, and any background information collected in accordance with paragraph K 15 of Rule 1552. Additionally, any background information collected pursuant to Rule 1551-A 1 a of Chapter VI shall be included in the risk assessment report.
 - b. Recommendations, if justified, for a lead risk assessment and any additional action, as needed.

RULE 1552 - Risk Assessment

- A. Only an individual (*Risk Assessor*) certified by the Environmental Quality Board must carry out an assessment of hazards from lead-based paint. A risk assessment shall be conducted in accordance with the procedures set forth in this Rule.

- B. A visual inspection for risk assessment of the residential dwelling or child-occupied facility shall be undertaken to locate the existence of deteriorated paint, assess the extent and causes of the deterioration, and other potential lead-based paint hazards.
- C. Background information regarding the physical characteristics of the residential dwelling or child-occupied facility, and occupant use patterns that may cause lead-based paint exposure to one (1) or more children age six (6) years and under shall be collected.
- D. Test to determine the presence of lead will be performed in surfaces with deteriorated paint, which have been determined to be in poor condition and to have a distinct painting history using *Documented Methodologies*. In addition, testing for the presence of lead will be performed in other surfaces that represent a potential lead-based paint hazard, using *Documented Methodologies*.
- E. In a residential dwelling, dust samples (either composite or single-surface samples) from the window and floor shall be collected in all living areas where one (1) or more children, age six (6) and under, are most likely to come into contact with dust.
- F. For multi-family dwellings and child-occupied facilities, the samples required in Rule 1550-C of Chapter VI shall be taken. In addition, window and floor dust samples (either composite or single-surface samples) shall be collected in the following locations:
1. Common areas adjacent to the sampled residential dwelling or child-occupied facility; and
 2. Other common areas in the building where the risk assessor determines one (1) or more children, age six (6) years or under are likely to come into contact with dust.
- G. For child-occupied facilities, window and floor dust samples (either composite or single-surface samples) shall be collected in each room, hallway, or stairwell, utilized by one (1) or more children, age six (6) and under, and in other common areas in the child-occupied facility where the *Risk Assessor* determines one (1) or more children, age six (6) years or under, are likely to come into contact with dust.
- H. Soil samples shall be collected and analyzed for lead concentrations in all of the following locations:
1. Outdoor play areas, where bare soil, with little or no vegetation, is present.
 2. Areas near the drainage canal ("drip line"), and foundations areas of the building where bare soil is present.
 3. The rest of the yard (i.e., non-play areas) where bare soil is present.
- I. Any paint, dust, or soil sampling, or testing shall be conducted using *Documented Methodologies* that incorporate adequate quality control procedures.
- J. Any collected paint chip, dust, or soil samples shall be analyzed according to Rule 1560 of Chapter VI to determine if they contain detectable levels of lead that can be quantified numerically.
- K. The certified *Risk Assessor* shall prepare a Risk Assessment Report which shall include the following information:
1. Date of assessment.

2. Address of each building, structure or dwelling.
3. Building, structure or dwelling construction date
4. Apartment or dwelling number (if applicable).
5. Name, address, and phone numbers of each owner of each building or dwelling.
6. Name, signature, and certification number of the *Risk Assessor* conducting the assessment.
7. Name, address, and telephone number of the certified firm employing each certified *Risk Assessor*.
8. Name, address, and phone numbers of each EPA recognized laboratory (NLLAP) to perform the analysis of collected samples.
9. Results of the visual inspection.
10. Testing method and sampling procedure used for paint analysis employed.
11. Specific locations of each painted component tested for the presence of lead.
12. All data collected from on-site testing, including data quality control data, if used, the serial number of any XRF device.
13. All results of laboratory analysis on samples collected of paint, dust, soil and water.
14. Any other sampling results.
15. Any background information collected under Rule 1552 C.
16. The results of any previous inspections or analysis for the presence of LBP, or other assessment of lead-based paint hazards.
17. A description of the location, type, and severity of LBP hazards and any other potential lead hazards.
18. A description of interim controls and/or abatement options, for each identified lead-based paint hazard, and a suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend maintenance and monitoring schedule for the encapsulant or enclosure.

RULE 1553 - Abatement Permit

- A. Abatement shall be conducted only by a certified firm by Environmental Quality Board, according to the procedures in this Rule.
- B. A certified *Supervisor* is required for each lead-based paint abatement project, and shall be onsite during all work site preparation, and during the post-abatement cleanup and clearance of work areas. Also, the certified *Supervisor* shall be onsite all times when abatement activities are being conducted.
- C. The certified *Supervisor* and the certified firm employing that *Supervisor* shall:
 1. Ensure that all abatement activities are conducted according to the requirements of this Chapter and all other Federal, State, and local requirements.

2. Maintain all certificates for all firms, *Supervisor* and *LBP Workers* who are employed in connection with the abatement project at the abatement project site. All such certificates shall be made available to EQB personnel during abatement project inspections.
- D. Notification of the Commencement of lead-based paint abatement activities in a residential dwelling or facility occupied by children, pregnant women and persons who, for some reason or another, are exposed to lead contamination, as a result of a Federal, State, or local order shall be given to the EQB fifteen (15) days prior to the commencement of abatement activities as required in Rule 1556-A of this Chapter.
- E. A written Occupant Protection Plan shall be developed for all abatement projects and shall be prepared according to the following procedures:
1. The Occupant Protection Plan shall be unique to each residential dwelling, facility, building and structure occupied by children, pregnant women and persons who, for some reason or another, are exposed to lead contamination, and be developed prior to the abatement. The Occupant Protection Plan shall describe the measures and management procedures that will be taken during the abatement to protect the building occupants from exposure to any lead-based paint hazards.
 2. A certified *Supervisor* or *Project Designer* shall prepare the Occupant Protection Plan.
- F. The work practices standards listed below shall be prohibited during abatement as follows:
1. General
 - a. It is prohibited to burn or torch burn through the open air, the lead-based paint.
 - b. Machine sanding or grinding or abrasive blasting or sandblasting of lead-based paint is prohibited unless used with High Efficiency Particulate Air (HEPA) exhaust control capable of removing air particles 0.3 microns or larger from the air with an efficiency at 99.97% or higher.
 - c. Dry scraping of LBP is permitted only in conjunction with heat nozzles or around electrical outlets or when treating defective paint spots totaling no more than two (2) square feet in any one room, hallway or stairwell or totaling no more than twenty (20) square feet in on exterior surfaces.
 - d. Operating a jetted heat gun on LBP is permitted at temperatures below 1,100 degrees Fahrenheit.
 - e. The use of methylene chloride (dichloromethane) to remove lead-based paint is prohibited.
- G. Soil Abatement shall be conducted in **one (1)** of the following ways:
1. If soil is removed, the lead-contaminated soil shall be replaced with soil that is not lead-contaminated (with a total lead concentration of less than 200 ppm).
 2. If soil is not removed, the lead-contaminated soil shall be permanently covered, as defined in these Regulations. If soil is not removed, the following interim controls shall be used: cover the soil with asphalt, grass, vegetation and non-polluted soil (with a total lead concentration of less than 200 ppm).

- H. The following post-abatement clearance procedures shall be performed only by a certified *Inspector* or *Risk Assessor*:
1. Following abatement, a visual inspection shall be performed to determine if deteriorated painted surfaces and/or visible amount of dust, debris or residue are still present. If deteriorated painted surfaces or visible amount of dust, debris or residue are present, these conditions must be eliminated prior to the continuation of the clearance procedures.
 2. Following the visual and any post-abatement cleanup required by Rule 1556-H of Chapter VI, clearance sampling for lead-contaminated dust shall be conducted by employing single-surface sampling or composite sampling techniques.
 3. Dust samples for clearance purposes shall be taken using *Documented Methodologies* that incorporate adequate quality control procedures.
 4. Dust samples for clearance purposes shall be taken a minimum of **one (1) hour** after completion of final post-abatement cleanup activities.
 5. The following post-abatement clearance activities shall be conducted as appropriate based upon the extent or manner of abatement activities conducted in or to building, structures, residential dwelling or facilities occupied by children, pregnant women, and persons who, for some reason or another, are exposed to lead contamination:
 - a. After conducting an abatement **with containment** between abated and unabated areas, one (1) dust sample shall be taken from one window (if available) and one (1) dust sample shall be taken from the floor of no less than four (4) rooms, hallways or stairwells within the containment area. If there are less than four (4) rooms, hallways or stairwells within the containment area, then all rooms, hallways or stairwells shall be sampled.
 - b. After conducting abatement with **no containment**, two (2) dust samples shall be taken from no less than four (4) rooms, hallways or stairwells in the residential dwelling or facilities occupied by children, pregnant women, and persons who, for some reason or another, are exposed to lead contamination. One (1) dust sample shall be taken from one (1) window (if available) and one (1) dust sample shall be taken from the floor of each room, hallway or stairwell selected. If there are less than four (4) rooms, hallways or stairwells within the residential dwelling or child-occupied facility then all rooms, hallways or stairwell shall be sampled.
 - c. Following exterior paint abatement, a visual inspection shall be conducted. All horizontal surfaces in the outdoor living area closest to the abated surface shall be found to be cleaned of visible dust and debris. In addition, a visual inspection shall be conducted to determine the presence of paint chips on the drip line or next to the foundation below any exterior surface abated. If paint chips are present, they must be removed from the site and properly disposed of, according to all applicable Federal, State and local requirements.
 - d. The rooms, hallways or stairwells selected for sampling shall be selected according to *Documented Methodologies*.
 - e. The certified *Inspector* or *Risk Assessor* shall compare the residual lead level (as determined by laboratory analysis) from each dust sample with applicable clearance levels for lead in dust on floor and windows in accordance with Rule 1570, Chapter VII. If the residual levels in a dust sample exceed the clearance levels, all the

components represented by the failed sample shall be re-cleaned and re-tested until clearance levels are met.

6. In multi-family dwelling with similarly constructed and maintained residential dwellings, random sampling for the purposes of clearance may be conducted provided:
 - a. The certified individuals who abate or clean the residential dwelling do not know which residential dwelling will be selected for the random sample.
 - b. A sufficient number of residential dwellings are selected for dust sampling to provide a 95% of confidence that no more than 5% or fifty (50) of the residential dwellings (whichever is smaller) in the randomly sampled population exceed the appropriate clearance levels.
 - c. The randomly selected residential dwellings shall be sampled and evaluated for clearance according to the procedures found in Rule 1553-H of this Chapter.
7. An abatement report shall be prepared by a certified *Supervisor* or *Project Designer*. The abatement report shall include the following information:
 - a. Start and completion dates of abatement.
 - b. The name and address of each certified firm conducting the abatement and the name of each *Supervisor* assigned to the abatement project.
 - c. The Occupant Protection Plan prepared pursuant to Rule 1553-E 1, 2 of this Chapter.
 - d. The name, address, and signature of each certified *Risk Assessor* or *Inspector* conducting clearance sampling and the date of clearance testing.
 - e. The results of clearance testing and all soil analyses (if applicable) with the name and certification number of each EPA recognized laboratory that conducted the analyses.
 - f. A detailed written description of the abatement, including abatement methods used locations of rooms and/or components where abatement occurred, reason for selecting particular abatement methods for each component, and any suggested monitoring of encapsulates or enclosures.
 - g. EQB will exercise his discretion regarding the disposal of all records from individuals engaged in abatement and renovation activities.

RULE 1554 - Renovation

A. Applicability

1. This section applies to all renovations performed for compensation in target housing (<1978) and child-occupied facilities, except for the following:
 - a. Renovations in target housing or child-occupied facilities in which a written determination has been made by a certified *Inspector* or *Risk Assessor* that the components affected by the renovation are free of paint or other surface coatings with lead equal to or in excess of 1.0 mg/cm² or 0.5% by weight, where the firm performing the renovation has obtained a copy of the determination.

- b. Renovations in target housing (<1978) or child-occupied facilities in which a certified *Renovator*, using an EPA recognized Test Kit and following the kit manufacturer's instructions, has tested each component affected by the renovation and determined that the components are free of paint or other surface coating containing lead equal to or in excess of 1.0 mg/cm² or 0.5% by weight. If the components make up an integrated whole, such as the individual stair treads and risers of a single staircase, the *Renovator* is required to test only one (1) of the individual components unless the individual components appear to have been repainted or refinished separately.
- c. Persons who perform lead-based paint (LBP) activities within residential dwellings that they own, are exempt from the regulations unless the residential dwelling is occupied by a person or persons other than the owner or 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 (BLL) as determined by Puerto Rico Department of Health.
- d. The Information Distribution Requirements in Rule 1554-A 2., of Chapter VI **do not** apply to emergency renovations, which are renovation activities that were not planned but result from a sudden, unexpected event (such as non-routine failures of equipment) that, if not immediately attended to, presents a safety or public health hazard, or threatens equipment and/or property with significant damage. Interim controls performed in response to an elevated blood lead level in a resident child are also emergency renovations. Emergency renovations other than interim controls are also exempt from the warning sign, containment, waste handling, training, and certification requirements in Rule 1541-B 6, 8, of this Chapter V; Rule 1542-A y -B 1-8 and Rule 1541-B 6 a-f, to the extent necessary to respond to the emergency. Emergency renovations are not exempt from the cleaning requirements of Rule 1554-A 3 a. (7) of this Chapter; which must be performed by certified *Renovators* or individuals trained in accordance with Rule 1541-B 6 a-f of Chapter V; the cleaning verification requirements of Rule 1554-A 3 a. (8) of Chapter VI, which must be performed by certified *Renovators*, and recordkeeping requirements of Rule 1554-A 4, and Rule 1554-A 2 a of Chapter VI.

2. Information Distribution Requirements

The certified firm is responsible for the distribution of the following information:

a. Renovation in Dwelling Units.

No more than sixty (60) days before beginning renovation activities in any residential dwelling unit (<1978) or target housing, the firm performing the renovation must:

- (1) Provide the owner with the pamphlet *The Lead-Safe Certified Guide to Renovate Right. Important Lead Hazard Information for Families, Child Care Providers and Schools*, and comply with one of the following:
 - (a) Obtain, from the owner a written acknowledgement that the owner has received the pamphlet.
 - (b) Obtain a certificate of mailing at least seven (7) days prior to the renovation activities.
- (2) In addition to the requirements in Rule 1554-A 2 a. (1) (a) y (b) of this Chapter, if the owner does not occupy the dwelling unit, provide an adult occupant of the unit with the pamphlet, and comply with one of the following:

- (a) Obtain, from the adult occupant, a written acknowledgement that the occupant received the pamphlet; or certify in writing that a pamphlet (*The Lead-Safe Certified Guide to Renovate Right*) has been delivered to the dwelling and that the *Renovator* has been unsuccessful in obtaining a written acknowledgement from an adult occupant. Such certification must include the address of the unit undergoing renovation, the date and method of delivery of the pamphlet, names of the persons delivering the pamphlet, reason for lack of acknowledgement (e.g., occupant refuses to sign, no adult occupant available), the signature of the *Renovator*, and the date of signature.
- (b) Obtain a certificate of mailing at least seven (7) days prior to the renovation.

b. Renovation in Common Areas

No more than sixty (60) days before beginning renovation activities in common areas (hallways, stairways, laundry, arcade, porches, exteriors, recreational rooms, playgrounds, community centers, garages and surrounding areas) of multi-unit target housing, the firm performing the renovation must:

- (1) Shall comply with Rule 1554-A 2 a. (1) of this Chapter.
- (2) Comply with **one (1)** of the following:
 - (a) Notify in writing, or ensure written notification of each affected unit, and make the pamphlet available upon request prior to the start of renovation. Such notification shall be accomplished by distributing written notice to each affected unit. The notice shall describe the general nature and locations of the planned renovation activities; the expected starting and ending dates; and a statement of how the occupant can obtain the pamphlet, at no charge, from the firm performing the renovation.
 - (b) While the renovation is ongoing, post informational signs describing the general nature and locations of the renovation, and the anticipated completion date. These signs must be posted in areas where they are likely to be seen by the occupants of all the affected units. The signs must be accompanied by a posted copy of the pamphlet, or information on how interested occupants can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to occupants.
- (3) Prepare, sign, and date a statement describing the steps performed to notify all occupants of the intended renovation activities and to provide the pamphlet.
- (4) If the scope, locations, or expected starting and ending dates of the planned renovation activities change after the initial notification, and the firm provided written initial notification to each affected unit, the firm performing the renovation must provide further written notification to the owners and occupants providing revised information on the ongoing planned activities. This subsequent notification must be provided before the firm performing the renovation initiates work beyond that which was described in the original notice.

c. Renovation in Child-Occupied Facilities

No more than sixty (60) days before beginning renovation activities in any child-occupied facility, the firm performing the renovation must:

- (1) Provide the owner of the building with the pamphlet *The Lead-Safe Certified Guide to Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*, and comply with one of the following:
- (a) Obtain, from the owner a written acknowledgement that the owner has received the pamphlet.
 - (b) Obtain a certificate of mailing at least seven (7) days prior to the renovation activities.
 - (i) If the child-occupied facility **is not** the owner of the building, provide the pamphlet to an adult representative of the child-occupied facility and comply with **one (1)** of the following:
 - 1) Obtain, from the adult representative, a written acknowledgement that the adult representative has received the pamphlet; or certify in writing that a pamphlet (*The Lead-Safe Certified Guide to Renovate Right*) has been delivered to the facility and that the firm performing the renovation has been unsuccessful in obtaining a written acknowledgement from an adult representative. Such certification must include the address of the child-occupied facility undergoing renovation, the date and method of delivery of the pamphlet, names of the persons delivering the pamphlet, reason for lack of acknowledgement (e.g., representative's refuses to sign), the signature of a representative of the firm performing the renovation, and the date of signature.
 - 2) Obtain a certificate of mailing at least seven (7) days prior to the renovation activities.
 - (ii) Provide the parents and guardians of children using the child-occupied facility with the pamphlet and information describing the general nature and locations of the renovation and the anticipated completion date by complying with **one (1)** of the following:
 - 1) Mail or hand-deliver the pamphlet and the renovation information to each parent or guardian of a child using the child-occupied facility; or
 - 2) While the renovation is ongoing, post informational signs describing the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they can be seen by the parents or guardians of the children frequenting the child-occupied facility. The signs must be accompanied by a posted copy of the pamphlet or information on how interested parents or guardians can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to the parents or guardians.
 - 3) The renovation firm must prepare, sign, and date a statement describing the steps performed to notify all parents and guardians of the intended renovation activities and to provide the pamphlet.

d. Written Acknowledgment

The written acknowledgments required by Rule 1554-A 2 a. (1) (a); -A 2 a. (2) (a); -A 4 b. (2); -A 2 c. (1) (a); -A 2 c. (1) (b) (i) and (ii) of this Chapter must:

- (1) Include a statement recording the owner or occupant's name and acknowledging receipt of the pamphlet prior to the start of renovation, the address of the unit undergoing renovation, the signature of the owner or occupant as applicable, and the date of signature.
- (2) Be either a separate sheet or part of any written contract or service agreement for the renovation.
- (3) Be written in the same language as the text of the contract or agreement for the renovation or, in the case non-owner occupied target housing, in the same language as the lease or rental agreement or the pamphlet.

3. Work Practices Standards listed below shall be following:

a. Standards for Renovation Activities

Renovations shall be performed by certified firms using certified *Renovators* as required in Rule 1541-B 6 of Chapter V. The responsibilities of certified firms are set forth in Rule 1542-C of Chapter V. The responsibilities of certified *Renovators* are set forth in Rule 1541-B 7.

(1) Occupant Protection

Firms must post signs clearly defining the work area warning occupants and other persons not involved in renovation activities to remain outside of the work areas. To the extent practicable, these signs must be in the primary language of the occupants. These signs must be posted before beginning the renovation and must remain in place and readable until renovation and the post-renovation cleaning verification has been completed. If warning signs have been posted in accordance with 24 CFR 35.1345 (b) (2) or 29 CFR 1926.62 (m), additional signs are not required by this section.

(2) Containing the Work Area

Before beginning the renovation, the firm must isolate the work area so that no dust or debris leaves the work area while the renovation is being performed. In addition, the firm must maintain the integrity of the containment by ensuring that any plastic or other impermeable materials are not torn or displaced, and taking any other steps necessary to ensure that no dust or debris leaves the work area while the renovation is being performed. The firm must also ensure that containment is installed in such a manner that it does not interfere with occupant and worker egress in an emergency.

(3) Interior Renovations, the Firm must:

- (a) Remove or cover all objects in the work area.
- (b) Close and cover all ducts in the work area.
- (c) Close or cover all windows and doors in the work area.
- (d) Cover with plastic (6 mil) surface of the floor in the work area.
- (e) Cover the floor surface, including installed carpet, with taped down plastic sheeting or other impermeable material in the work area six (6) feet beyond

the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

- (f) Ensure that staff, tools and other objects, including waste, is free of dust and debris when leaving the work area.

(4) Exterior Renovations, the Firm must:

- (a) Close all doors and windows within a radius of twenty (**20**) feet of renovation activities. On multi-story buildings, close all doors and windows within twenty (**20**) feet of the renovation on the same floor as the renovation, and close all doors and windows on all floors below that are the same horizontal distance from the renovation.
- (b) Cover the ground with plastic, with a thickness of not less than six (**6**) mils.
- (c) Ensure that doors within the work area that will be used while the job is being performed are covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area.
- (d) Cover the ground with plastic sheeting or other disposable impermeable material extending ten (**10**) feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents ten (**10**) feet of such ground covering.
- (e) In certain situations, the renovation firm must take extra precautions in containing the work area to ensure that dust and debris from the renovation does not contaminate other buildings or other areas of the property or migrate to adjacent properties.

(5) Prohibited and Restricted Practices in Renovation Activities:

- (a) Open flame burning or torching of LBP is prohibited.
- (b) Machines sanding or grinding, power planing or abrasive blasting or sandblasting of lead-based paint is prohibited unless used with High Efficiency Particulate Air (HEPA) exhaust control capable of removing air particles 0.3 microns or larger from the air with an efficiency at 99.97% or higher.
- (c) Operating a heat gun on lead-based paint is permitted only at temperatures below 1,100 degrees Fahrenheit.
- (d) It is prohibited to use Methylene Chloride (dichloromethane) to remove lead-based paint.

(6) Waste from Renovations

- (a) Waste from renovation activities must be contained to prevent releases of dust and debris before the waste is removed from the work area for storage or disposal. If a chute (conduct) is used to remove waste from the work area, it must be covered.

- (b) At the conclusion of each work day and at the conclusion of the renovation, waste that has been collected from renovation activities must be stored under containment, in an enclosure or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris.
- (c) When the firm transports waste from renovation activities, the firm must contain the waste to prevent release of dust and debris.

(7) Cleaning the Work Area in Renovation Activities:

After the renovation has been completed, the firm must clean the work area until no dust, debris or residue remains.

(a) For Interior and Exterior Renovations, the firm must:

- (i) Collect all paint chips and debris and, without dispersing any of it, seal this material in a heavy-duty bag.
- (ii) Remove the protective sheeting. Mist the sheeting before folding it, fold the dirty side inward, and either tape shut to seal or seal in heavy-duty bags. Sheeting used to isolate contaminated rooms from non-contaminated rooms must remain in place until after the cleaning and removal of other sheeting. Dispose of the sheeting as waste.

(b) Additional Cleaning for Interior Renovation

The firm must clean all objects and surfaces in the work area and within two (2) feet of the work area in the following manner, cleaning from higher to lower:

- (i) Walls - Clean walls starting at the ceiling and working down to the floor by either vacuuming with a HEPA vacuum or a wet cloth.
- (ii) Remaining Surfaces - Thoroughly vacuum all remaining surfaces and objects in the workspace, including furniture and other furnishings, with the HEPA vacuum. The HEPA vacuum must be equipped with a beater bar when vacuuming carpets and rugs.
- (iii) Wipe all remaining surfaces and objects in the work area, except for carpeted or upholstered surfaces, with a damp cloth. Mop uncarpeted floors thoroughly, using a mopping method that keeps the wash water separate from the rinse water, such as the two(2)-bucket mopping method, or using a wet mopping system.

(8) Standards for Post-Renovation Cleaning Verification

(a) Interior Areas

- (i) A certified *Renovator* must perform a visual inspection to determine whether dust, debris, or residue is still present. If dust, debris, or residue is present, these conditions must be removed by re-cleaning and another visual inspection must be performed.
- (ii) After a successful visual inspection, a certified *Renovator* must:

- 1) Verify that each windowsill in the working area has been adequately cleaned, using the following procedure:
 - a) Wipe the windowsill with a wet disposable cleaning cloth that is damp to the touch. If the cloth matches or is lighter than the Cleaning Verification Card (CVC), the windowsill has been adequately cleaned.
 - b) If the cloth does not match and is darker than the CVC, re-clean the windowsill as directed in Rule 1554-A 3 a. **(7)** (b) of this Chapter, then either use a new cloth, or fold the used in such a way that an unused surface is exposed, and wipe the surface again. If the cloth matches or is lighter than the CVC, that windowsill has been adequately cleaned.
 - c) If the cloth does not match and is darker than the CVC, wait for one **(1)** hour, or until the surface has dried completely, whichever is longer.
 - d) After waiting one **(1)** hour for the windowsill to dry, wipe the windowsill with a dry disposable cleaning cloth. After this wipe, the windowsill has been adequately cleaned.
- 2) Verify that uncarpeted floors and countertops in the working area has been adequately cleaned, using the following procedure
 - a) Wipe uncarpeted floors and countertops within the work area with a wet disposable cleaning cloth for every forty (40) square feet (ft²) of floor section. Floors must be wiped using an application device with a long handle and a head to which the cloth is attached. The cloth must remain damp at all times while it is being used to wipe the surface for post-renovation cleaning verification. If the surface within the work area is greater than forty **(40)** ft², the surface within the work area must be divided into roughly equal sections that are each less than forty **(40)** ft². Wipe each such section separately with a new wet disposable cleaning cloth. If the cloth used to wipe each section of the surface within the work area matches the CVC, the surface has been adequately cleaned.
 - b) If the cloth used to wipe a particular section does not match the CVC, re-clean that section of the surface as directed in Rule 1554-A 3 a. **(7)** (b) of Chapter VI, then use a new wet disposal cleaning cloth to wipe that section again. If the cloth matches the CVC, that section of the surface has been adequately cleaned.
 - c) If the cloth used to wipe a particular section does not match the CVC after the surface has been re-cleaned, wait until the entire surface inside the work area have dried completely for a period of at least one **(1)** hour.
 - d) After waiting for the entire surface within the work area to dry, wipe each section of the surface that has not yet achieved post-renovation cleaning verification with a dry disposable cleaning cloth.

(iii) When the work area passes the post-renovation cleaning verification, remove the warning signs.

1) In the alternative, the sampling of dust cloths sent to the laboratory is an option where the contract or client requests it, or local regulations. State or Federal law requires that the dust sampling is carried out by a certified professional *Dust Sampling Technician, Inspector or Risk Assessor* and requires the renovation firm re-clean the work area until it complies with the cleanup.

(b) Exterior Areas

A certified *Renovator* must perform a visual inspection to determine whether dust, debris or residue is still present on surfaces in and below the work area, including windowsills and the ground. If dust, debris or residues are present, these conditions must be eliminated and another visual inspection must be performed. When the area passes the visual inspection remove the warning signs.

(c) Optional Dust Clearance Testing

Cleaning verification need not be performed if the contract between the firm and the person contracting for the renovation establish it; unless local regulations, State or Federal law requires it under the following conditions:

- (i) The renovation firm to perform dust clearance sampling at the conclusion of a renovation covered by this subpart.
- (ii) The dust clearance samples are required to be collected by a certified *Dust Sampling Technician, Inspector or Risk Assessor*.
- (iii) The renovation firm is required to re-clean the work area until the dust clearance sample results are below the clearance standards in Rule 1570 of Chapter VII.

(d) Activities conducted after post-renovation cleaning verification

Activities that do not disturb paint, such as applying to walls that have already been prepared, are not regulated by this subpart if they are conducted after post-renovation cleaning verification has been performed.

4. Recordkeeping and Reporting Requirements

a. Firms performing renovations must retain and, if requested, make available to the EQB, all the records necessary to demonstrate compliance with this subpart, for a period of five (5) years following completion of the renovation.

b. Records that must be retained shall include (where applicable):

(1) Reports certifying that a determination had been made by a certified *Inspector/Risk Assessor* that lead-based paint is not present on the components affected by the renovation as described in Rule 1554-A, 1 a.

(2) Signed and dated acknowledgements of receipt, as described in Rule 1554-A, 2 d of Chapter VI.

- (3) Certifications of attempted delivery as described in Rule 1554-A, 2 b. (2) (a) of Chapter VI.
- (4) Certificates of mailing as described in Rule 1554-A, 2 a. (1) (b) y (2) (b) of this Chapter.
- (5) Records of notification activities performed regarding common area renovations and child occupied facilities as described in Rule 1554-A 2 b, c.
- (6) Documentation of compliance with requirements of Rule 1554 A 4 b of this Chapter, including documentation that a certified *Renovator* was assigned to the project, that *Renovator* provided on-the-job training for workers used on the project, and also that the *Renovator* performed or directed workers who performed all of the tasks described in Rule 1554-A 3 a. (1) – (8) and that the *Renovator* performed the post-renovation cleaning verification described in Rule 1554-A 3 a. (8) (a)-(d). This documentation must include a copy of the certified Renovator’s training certificate, a copy of the Renovator’s EQB *Renovator* certificate, and a certification by the *Renovator* assigned to the project that established that:
 - (a) Training was provided to workers (topics must be identified for each worker).
 - (b) Warning signs were posted at the entrances to the work area.
 - (c) If test kits were used, that the specified brand of kits was used at the locations and the results.
 - (d) That the work area was contained by:
 - (i) Removing or covering all objects in the work area (interiors).
 - (ii) Closing and covering all Heating, Ventilation, and Air-Conditioning (HVAC) ducts in the work area (interiors).
 - (iii) Closing all windows in the work area (interiors) or closing all windows in and within twenty (20) feet of the work area (exteriors).
 - (iv) Closing and sealing all doors in the work area (interiors) or closing and sealing all doors in and within twenty (20) feet of the work area (exteriors).
 - (v) Covering doors in the work area that were being used to allow passage but prevent spread of dust.
 - (vi) Covering the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six (6) feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater (interiors) or covering the ground with plastic sheeting; or other disposable impermeable material anchored to the building extending ten (10) feet beyond the perimeter of surfaces undergoing renovation; or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line are at ten (10) feet from such ground covering, where heavy object may fall in the exterior areas.

- (vii) Installing (if necessary) vertical containment to prevent migration of dust and debris to adjacent property (exteriors).
 - (e) If waste was contained on-site and while being transported off-site.
 - (f) That the work area was properly cleaned after the renovation by:
 - (i) Picking up all chips and debris, misting protective sheeting, folding it dirty side inward, and taping it for removal.
 - (ii) Cleaning the work area surfaces and objects using a HEPA vacuum and/or wet clothes or mops (interiors).
 - (g) The certified *Renovator* performed the post-renovation cleaning verification (the results of which must be briefly described, including the number of wet and dry cloths used).
- c. When test kits are used, the renovation firm must, within thirty **(30)** days of the completion of the renovation, provide identifying information as to the manufacturer and model of the test kits used, a description of the components that were tested including their locations, and the test results to the person who contracted for the renovation.
- d. If dust clearance sampling is performed in lieu of cleaning verification as permitted by Rule 1554-A 2 a. **(8)** (c) of Chapter VI, the renovation firm must provide, within thirty **(30)** days of the completion of the renovation, a copy of the dust sampling report to the person who contracted for the renovation. If the renovation firm was unable to comply with all of the requirements of this rule due to an emergency as defined in Rule 1554-A 1 d., the firm must document the nature of the emergency and the provisions of the rule that were not followed.

RULE 1555 - Collection and Laboratory Analysis of Samples during Renovations Activities

- A. Any paint chip, dust, or soil samples collected pursuant to the work practice standards contained in this section shall be:
1. Collected by persons certified by the EQB as an *Dust Sampling Technician, Inspector or Risk Assessor*; and
 2. Analyzed by a laboratory recognized (NLLAP) by EPA pursuant to section 405 (b) of TSCA as being capable of performing analyses for lead compounds in paint chip, dust, or soil samples.

B. Composite Dust Sampling

Composite dust sampling may only be conducted in the situations specified in Rule 1551-A 1 a-e, B y C of this Chapter. If such sampling is conducted, the following conditions shall apply:

1. Composite dust samples shall consist of at least two **(2)** subsamples;
2. Every component that is being tested shall be included in the sampling; and
3. Composite dust samples shall not consist of subsamples from more than one type of component.

RULE 1556 - General Permit Application for Abatement and Renovation Activities

- A. An application for General Permit (GP) (EQB Form PGPB-002) for Abatement and Renovation activities shall be submitted on forms provided by the Environmental Quality Board. **The application shall include, but not limited to, the following information:**
1. Name and address of the contact person and telephone number of the owner and operator of residential dwelling (s) or child-occupied facility.
 2. Name, certification number of the certified firm (abatement/renovator) address and telephone number of contact person.
 3. Name, certification number, and telephone number of the *Inspector* and *Risk Assessor*.
 4. Name, certification number, address and telephone number of the *Project Designer*.
 5. Name, certification number, of the *Supervisor* and/or *Renovator* assigned.
 6. Location and physical address of abatement and/or renovation project.
 7. Starting and ending dates of abatement and/or renovation activities including the preparatory work and final cleaning.
 8. Work schedule, including days of the week and working hours.
 9. The estimate amount of waste to be generated.
 10. Method (s) to be used (n) for abatement and/or renovation activities.
 11. Name of authorized waste transporter, address, and contact person and telephone number.
 12. Authorized landfill by EQB for final disposal of waste, address, contact person and telephone number.
 13. In ordered emergency abatement, the name, title and authority of Federal, State or administrative representative that ordered the abatement and/or renovation activities, the date of issuance and the date for initiating activities.
 14. In of emergency abatement and/or renovation activities, a description of the nature of the emergency and explanation if the abatement and/or renovation is not effective, how to correct the situation and how it could cause a risk to health, welfare or the environment.
 15. Total value of abatement and/or renovation project to be authorized by the Permit.
 16. Total number of residential dwellings, child-occupied facilities which will be abated and/or renovated, or both.
 17. The original signature of abatement and/or renovation firm representative and date.
 18. Name and certification number of the individual who prepared the Resident's Protection Plan for abatement and renovation activities.

19. Any other information that the Environmental Quality Board understands is needed.

B. Schedule of applications for permits to abate and renovate lead-based paint:

1. Applications for Projects to abate and renovate lead-based paint (LBP) must be postmarked or hand delivered to the EQB at least fifteen (15) calendar days in advance of the scheduled start date.
2. A project that is necessary for an abatement or renovation of LBP on an emergency basis shall be exempted from the fifteen (15) calendar days notice. If it is determined that it should be considered as an urgent abatement or renovation project, then it should be approved by the *Risk Assessor* and the EQB before the start of abatement or renovation activities.
3. The request for an emergency permit must be postmarked or hand delivered to the EQB as soon as possible, but no later than the business day before the abatement or renovation of LBP begins. Requests for emergency abatement or renovation projects caused by LBP will be presented with a letter from the owner or *Risk Assessor*, explaining the nature of the emergency.

C. Application for General Permit (GP) for abatement or renovation activities shall be accompanied by a fee per project in accordance with Rule 1558-A 1-6 of this Chapter. Fees for project will be presented by certified check or money order to the Secretary of the Treasury of Puerto Rico. The filing fees are non refundable.

D. Requests to amend a GP issued for abatement or renovation of LBP activities shall be submitted by the applicant, within the duration of the project, on a form provided by the EQB. Changes that may be considered, including the following:

1. Changes in the carriers.
2. Changes in disposal facility (Industrial Landfill System) or an approved industrial landfill outside Puerto Rico.
3. Laboratory changes.
4. Increase the quantity (volume or weight) of solid waste disposal with lead.
5. Add other physical areas (housing units, buildings, walls) which were not investigated and included in the work plan filed with the EQB.

E. When a permit is issued for abatement or renovation activities, the abatement *Supervisor* or *Renovator* shall be on site at all times or available by telephone.

F. Work Practice Standards for Conducting Lead-Based Paint Activities

1. Adequate labeling indicating that they are undertaking work to abate lead-based paint.
2. Physical barriers shall be placed such as, but not limited to, barricade tapes to prevent access by outsiders to the project.
3. The entry and exit of the area to be abated will be through a decontamination area.
4. The decontamination (decon) area will have, but not limited to, a clean room, shower room, and dirty or tools room as well as personal protective equipment.

5. The opened areas of the project will be sealed with polyethylene plastic with not less than six (6) mils. This enclosure will be made prior to the removal of lead-based paint.
6. Floors, drains, returns or sidewalk that accesses the outside area to conduct abatement or renovation, will be covered with polyethylene plastic 6-mil prior to the removal of lead-based paint.
7. *Supervisor* and *Renovator* shall be on site all times.

G. Storage of waste generated during abatement:

1. Prior to starting the LBP abatement activities, an enclosed area shall be designated to store the waste generated.
2. The storage area shall be signed indefinitely.
3. Upon completion of the work day, the storage area shall be locked.

H. The procedures for determining cleanup levels after abatement ordered should be performed only by a certified Inspector or Risk Assessor.

1. After abatement the area will be visually inspected to determine if there are still deteriorating paint surfaces or visible amounts of particulate, dust, debris or waste, or both. If deteriorated paint surfaces or visible amounts of particulate, dust, debris or waste, such conditions shall be removed before continuing the procedures for determining cleanup levels.
2. After visual inspection and any required cleanup after abatement by Rule 1553-H 1-5, a sampling will be carried out to determine levels of cleanliness and state whether there is still lead-contaminated dust. The sample to determine cleanup levels can be performed using a surface sampling or composite sampling technique.
3. After abatement of LBP in outdoor areas, a visual inspection will be performed. Will be determining if all horizontal surfaces in the outer area of the dwelling, closest to the abated surface, are free of particulate and debris. In addition, there will be a visual inspection to determine the presence of paint chips in the line of drainage channel ("drip line") to three (3) feet around the perimeter of the dwelling, building and near the foundation of the building, that are below the abated area. If there are paint chips, they shall be removed from the site and disposed properly in accordance with the applicable standards set by the EQB.
4. The rooms, corridors or stairs selected for tests shall be selected according to the *Documented Methodology*.
5. The *Inspector* and/or *Risk Assessor* shall compare the residual lead level in the particulate, (as determined by laboratory analysis), of each particulate sample taken with the cleanup levels that apply to the parameter of lead in particulate on floors and window sills. If the residual levels in a sample of particulate exceed the established cleanliness levels, all components represented by the disapproved sample shall be recleaned and tested again to reach the appropriate cleaning levels.

I. Abatement and Renovations Project Notifications

The EQB shall be notified in writing on the General Permit form (GP) provided by the EQB of any lead-based paint abatement or renovation activity in target housing (<1978) or child-

occupied facility, and non residential buildings and structures (see Rule 1503-Definitions) prior to commencement of the activity. Abatement or renovation notifications involving one (1) or more units at the same address may be submitted on a single notification form; however, only one address per each notification form submitted to the EQB. The EQB notification form (General Permit Form) must be filled out completely and properly. Blanks which do not apply shall be marked "N/A". The designation of "N/A" will not be accepted for references requiring identification of the work site, building description, building owner, abatement and transportation companies, and individuals required to be identified on the notification form. An original signature is required of the certified firm's owner or an authorized agent of the firm on each notification form. A copied without signature is not acceptable. The notification shall be considered invalid if it does not contain an original signature.

J. Responsibility.

It is the responsibility of the owner or an authorized agent of the certified firm to notify the EQB under this section.

K. Timeliness of Notification

Written notifications of LBP abatement or renovation activity shall be hand delivered, before the start of LBP abatement or renovation. The start date is considered to be the date when LBP abatement or renovations begins.

L. The Notice of Project Completion of abatement and renovation shall be prepared by abatement *Supervisor and/or Project Designer*, and *Renovator*. The Notice will be prepared on forms provided by the EQB and shall include, without limitation, the following information:

1. Issued General Permit number.
2. Date of commencement and completion of abatement or renovation.
3. Name and address of the firm that made the abatement or renovation and the name of each certified *Supervisor* or *Renovator* and the certification number.
4. The name and title of *Supervisor* or *Project Designer* who prepared the Resident Protection Plan in accordance with Rule 1556 A 18.
5. The name, business address and signature of each *Risk assessor* or *Inspector* who conducted the sampling to determine levels of cleanliness, certification number, telephone number and date of tests to determine levels of cleaning.
6. The results of clearance testing and all soil analyses (if applicable) with the name and certification number of each EPA recognized laboratory that conducted the analyses.
7. A detailed written description of abatement, including abatement methods used, location of the rooms and/or components, scene of abatement, the rationale for selecting particular abatement methods for each component, and any insulators and barriers monitoring program.

M. The Notice of Termination of Abatement and/or Renovation Project shall be submitted to the EQB no later than thirty (30) calendar days following the date of completion of the project. In this Notice, the firm shall certify that the activities were carried out in accordance with the provisions of this Regulation, the Resident Protection Plan and the conditions imposed on the permit issued by the EQB.

RULE 1557 - Recordkeeping

- A. The following documentation (recordkeeping) shall be maintained in the workplace during abatement and/or renovation activities and shall be made available to officials of the EQB for review:
1. A copy of the General Permit (GP) to abate and/or renovate issued by the EQB, with all its revisions and the acknowledgment thereof;
 2. The Residents' Protection Plan, if applicable;
 3. A copy of the LBP abatement and/or renovation design; inspection or risk assessment report of the project;
 4. Certificates and identification cards (I.D. cards) issued by the EQB, of all individuals and certified firms that performed LBP abatement and/or renovation activities.
 5. All documents, related to abatement and/or renovation work, shall be retained for five (5) years after the work has been completed.
 6. The documentation to be retained shall include:
 - a. A certification of the determination that a building, structure, target housing or facility occupied by children, pregnant women, and persons who, for some reason or another, are exposed to lead contamination, is lead-free.
 - b. Reports documenting that the *Pre-renovation Education Rule* on EQB Rule 1554-A 2 a. (1) y c. (1) was complied with.
 7. Documentation of compliance with the requirements of *Renovation, Repair and Painting Rule* (EQB has designed a sample form).
- B. All abatement and/or renovation authorized activities will be carried out in accordance with the provisions of Chapter VI of this Regulation.
- C. The EQB may modify, suspend, or revoke the General Permit issued to abate and/or renovate for any violation of Chapter VI. The EQB may revoke the permit if it determines that it was based on inaccurate or inadequate information that significantly affected the decision to issue the permit.

RULE 1558 - Fees for Project

- A. With the General Permit (GP) application, the firm's *Supervisor*, Agent or Authorized abatement or renovation representative shall submit to the Environmental Quality Board a fee for each abatement or renovation project, in certified check or money order made out to the Secretary of Treasury of Puerto Rico.

The fees are based on the following formulas:

1. **Child-Occupied Facilities:**

One filing fee of two hundred fifty (\$250) dollars for the project and GP fee of seven hundred fifty (\$750) dollars for the project, plus two (2) percent of the total value of the work authorized by General Permit.

2. **Single and Multi-Family Target Housing:**

A filing fee of two hundred fifty (\$ 250) dollars and a GP fee of five hundred (\$500) dollars for each project with five (≤ 5) dwelling units or less. In case of projects exceeding five (> 5) dwelling units, the filing fee shall be two hundred fifty (\$250) dollars and the GP fee will be seven hundred fifty (\$750) dollars, plus two (2) percent of the total value of LBP abatement and/or renovation work authorized by the permit.

3. **Mix-Use Projects:**

Project that contains both dwelling units and facilities occupied by children under six (6) years or less or pregnant women; a filing fee of two hundred fifty (\$250) dollars and a GP of seven hundred fifty (\$750) dollars for each target housing project, plus two (2) percent of the total value of abatement and/or renovation of lead-based paint authorized by the permit.

4. **Buildings and Structures:**

A filing fee of two hundred fifty (\$250) dollars and a GP fee of seven hundred fifty (\$750) dollars, plus two (2) percent of the total value authorized by the permit.

5. **General Permit Renewals and/or Modifications:**

Applications for GP renewal which had been granted or a modification thereto, involve the payment of two hundred fifty (\$250) dollars permit fee.

a. Renewals and/or modifications of a GP to abate and/or renovate shall be defined as specified in Rule 1556-D 1-5 of Chapter VI.

6. **The transfer of a General Permit** requires a new application and the payment of one hundred fifty (\$150) dollars fee.

7. Filing fees **are not** refundable.

RULE 1559 - Conditions on Abatement and/or Renovation Permit; Waste Manifest

A. The JCA shall impose on the General Permits (GP) issued under this Rule the terms and conditions listed below, with which the certified firm will agree:

1. The holder shall comply with all permit conditions and any breach will constitute a violation of this Regulation. The EQB may undertake any action, as necessary, to force him to comply.
2. The EQB may amend or revoke a General Permit or at the request of the holder thereof.
3. The EQB may request the holder of a General Permit within a reasonable time provide any information or documents to determine whether cause exists to modify, suspend revoke or to determine whether there is compliance with its terms;
4. If the permit holder is aware of having submitted incorrect information, immediately notify the EQB and provide complete and accurate information within a period of five (5) working days of discovery;

5. The GP cannot be transferred at any time, without permission of the Board.
- B. Any shipment of solid waste (non-hazardous, hazardous) generated by an abatement and/or renovation activities of lead-based paint, will be send to an EQB and/or EPA authorized landfill and shall be accompanied by a manifest. The management requirements of this manifest are:
1. The Federal Manifest (hazardous waste) must be filled in on Form 8700-22 (Rev. 3/2005) and/or Puerto Rico Manifest (non-hazardous wastes) provided by the EQB.
 2. Any person who is asked to fill any Manifest, must ensure that the information provided is true, legible and appropriate in the three (3) copies of the same;
 3. The General Permit holder is required to initiate the manifest process by sending the waste to a disposal facility. Must also:
 - a. Include mailing address of the General Permit holder and permit number.
 - b. Include physical address where the permitted activity is performed.
 - c. Indicate the amount of waste generated to be sent, and the place to be disposed.
 - d. Sign and date certifying the shipment of waste.
 4. The Manifest will accompany the shipment of waste while in transit to the disposal facility.
 5. Once the authorized disposal facility receives the waste accompanied by a manifest shall:
 - a. Sign and date the manifest certifying receipt of the waste, as described in the document.
 - b. Return the first two (2) pages of the manifest to the holder of the Permit.
 - c. Keep copy of page number three (3) of the manifest for records for five (5) years.
 6. At the end of lead abatement and/or renovation activity, the permit holder shall submit to the EQB page one (1) of all manifests originated, certifying proper disposal of waste generated during lead abatement and/or renovation activity allowed, and will retain page two (2) for records;
 7. The permit holder shall retain page two (2) of the manifest for five (5) years, from the date of completion of lead abatement and/or renovation activity.

RULE 1560 - Collection and Laboratory Analysis of Samples for Clearances

- A. Each sample of paint chips, dust wipes or soil collected, pursuant to the work practice standards contained in this Chapter, to determine the presence of lead. In Abatement and Renovation activities, the samples:
1. Will be collected by EQB certified persons as *Inspectors and Risk Assessors* (Rule 1541 B 8 (e)). The *Dust Sampling Technicians* will collect only samples during Renovations (Rule 1541 B 9), unless he/she has the *Inspectors and/or*

Risk Assessors certification (Rule 1541 B 8 e).

2. Analyzed by a recognized laboratory by the EPA (NLLAP, an acronym in English) for floor dust wipes analysis, paint chips, soil and water to determine the presence of lead compounds in samples.
3. All results of lead analysis, laboratory report or certificate of analysis shall be certified by a licensed Chemist in Puerto Rico.

RULE 1561-1569 (Reserved)

CHAPTER VII

POST - ABATEMENT ACTIVITIES CLEARANCE LEVELS

RULE 1570 - Post-Abatement Clearance Levels

In any Abatement Project, the procedures for determining clearance levels shall be carried out by a certified abatement *Inspector* or *Risk Assessor*. Clearance levels will be determined only when the lead concentrations detected meet the following cleanup levels:

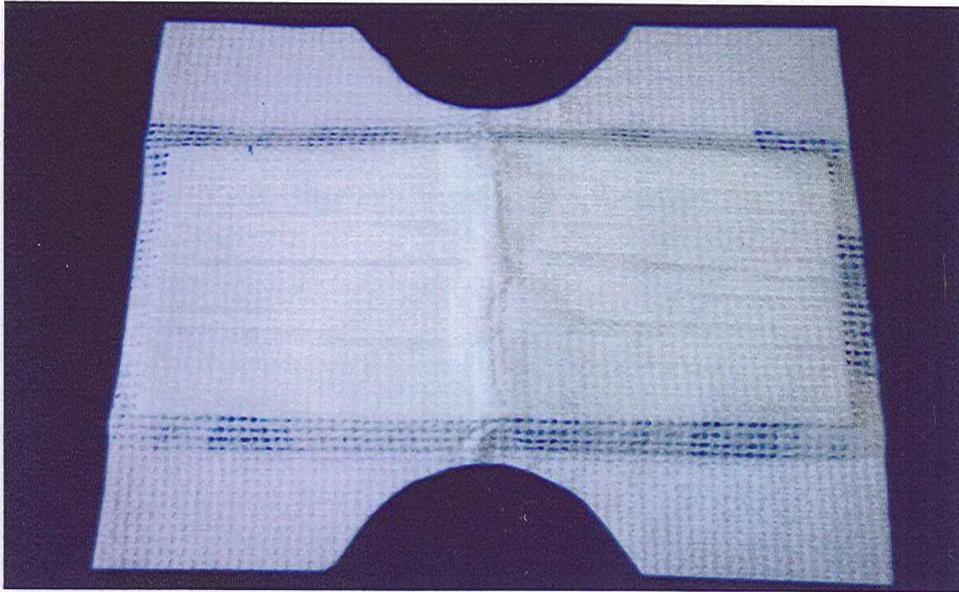
Hazardous Lead Levels and Units of Measurement

SURFACE AREA	HAZARDOUS LEAD LEVELS (ug/f ²)
Dust Floors	40
Carpeted Floors	40
Interior Window Sills	250
Inside Window Troughs (channel)	400
Exterior Concrete	400

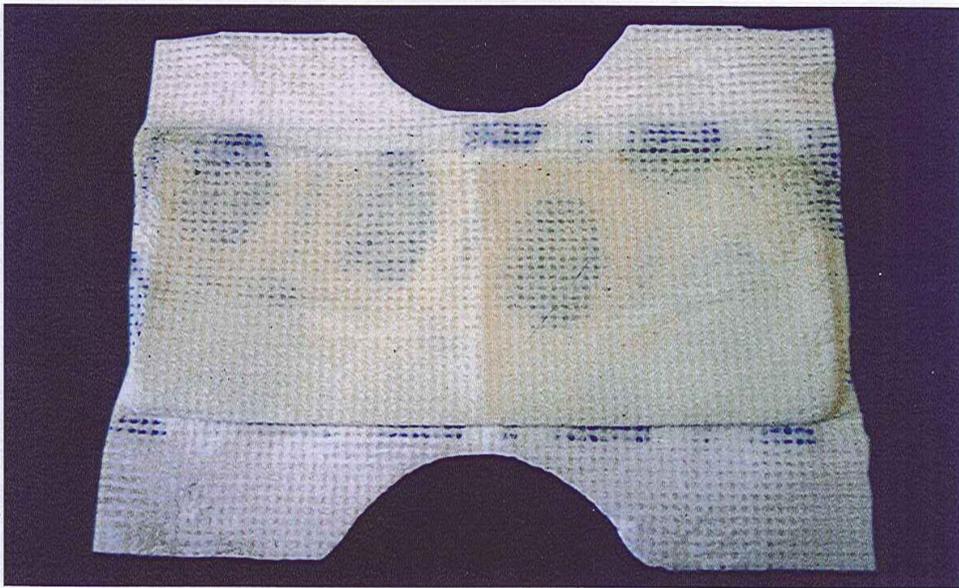
BARE SOIL	HAZARDOUS LEAD LEVELS (mg/kg, ppm)
Paving or Removal Criteria	1,200
Perimeter and Courtyard of the Building	1,200
Play Areas and High Contact Areas for Children	400
Soil Remediation	5,000

APPENDIX 1: EPA'S POST-RENOVATION CLEANING VERIFICATION CARD.

EPA Post-Renovation Cleaning Verification Card



Unused Wet Disposable Cleaning Cloth



Marginally Passing Wet Disposable Cleaning Cloth

This card is good until last day of the month and year indicated below.

Month	1	2	3	4	5	6	7	8	9	10	11	12
Year 20xx	10	11	12	13	14	15	16	17	18	19	20	21

(FRONT FACE THE CARD)

English instructions that are printed on the back face of the of the Post-Renovation Card.

Instructions for Conducting Post-Renovation Cleaning Verification

Following work area cleaning using the appropriate work practice standards, a certified renovator must perform a visual inspection to determine whether dust, debris, or residue is still present. If dust, debris, or residue is still present, these conditions must be removed by recleaning and another visual inspection must be performed. After a successful visual inspection, a certified renovator must complete the following steps.

Performing the Cleaning Verification

(1) *Verify that each **windowsill** in the work area has been adequately cleaned:*

- A. Wipe the windowsill with a wet disposable cleaning cloth (DCC) that is damp to the touch.
- B. If the cloth matches or is lighter than the picture of the marginally passing cloth on the front of this card, then the windowsill has been adequately cleaned.
- C. If the cloth is darker than the picture of the marginally passing cloth, then re-clean the windowsill using appropriate cleaning methods.
- D. Using a new cloth or folding a used cloth so that an unused surface is exposed, wipe the windowsill again. If the cloth matches or is lighter than the picture of the marginally passing cloth, then the windowsill has been adequately cleaned.
- E. If the cloth again is darker than the picture of the marginally passing cloth, then wait for 1 hour or until the surface has dried completely, whichever is longer.
- F. After waiting for the windowsill to dry, wipe the sill with a dry DCC. After this wipe, the windowsill has been adequately cleaned.

(2) *Verify that **uncarpeted floors and countertops** within the work area have been adequately cleaned:*

- A. If the surface within the work area is greater than 40 ft², it must be divided into roughly equal sections that are each less than 40 ft².
- B. Wipe each section of floor or surface less than 40 ft² with a wet DCC. Floors must be wiped using an application device with a long-handle and a head to which the cloth is attached. The cloth must remain damp at all times while it is being used to wipe the surface for post-renovation cleaning verification.
- C. If the cloth matches or is lighter than the picture of the marginally passing cloth on the front of this card, then that section or surface has been adequately cleaned.
- D. If the cloth used to wipe a particular section or surface is darker than the picture of the marginally passing cloth, then re-clean that section or surface using appropriate cleaning methods.
- E. Using a new wet DCC, wipe that section or surface again. If the cloth matches or is lighter than the picture of the marginally passing cloth, that section or surface has been adequately cleaned.
- F. If the cloth is darker than the picture of the marginally passing cloth, then wait 1 hour or until the entire surface within the work area has dried completely, whichever is longer.
- G. After waiting for the entire surface within the work area to dry, wipe each section of the surface that has not yet achieved post-renovation cleaning verification with a dry DCC. After this wipe, that section of the surface has been adequately cleaned.

(BACK FACE OF THE CARD)