TITLE 326 AIR POLLUTION CONTROL BOARD

Draft Rule
#97-11(APCB)

DIGEST

Adds 326 IAC 23 concerning the licensing and approval of individuals and firms engaged in lead-based paint activities for and training programs providing instructions in such activities. Effective 30 days after filing with the secretary of state.

HISTORY

First Notice of Comment Period: June 1, 1997, Indiana Register (20 IR 2595).

Second Notice of Comment Period and Notice of First Public Hearing: February 1, 1998, Indiana Register (21 IR 1840).

326 IAC 23

DRAFT RULE

SECTION 1. 326 IAC 23 IS ADDED TO READ AS FOLLOWS:

ARTICLE 23. LEAD-BASED PAINT PROGRAM

Rule 1. Definitions

326 IAC 23-1-1 Applicability

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 1. The definitions in this rule apply throughout this article. (Air Pollution Control Board; 326 IAC 23-1-1)

326 IAC 23-1-2 "Abatement" defined

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 2. (a) "Abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards.

(b) The term includes, but is not limited to, the following:
(1) The removal of lead-based paint and lead-contaminated dust.
(2) The permanent enclosure or encapsulation of lead-based paint.
(3) The replacement of lead-painted surfaces or fixtures.
(4) The removal or covering of lead-contaminated soil.
(5) All preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures as described in this subdivision.
(6) A project for which there is a written contract or other documentation, that provides that a person will be conducting activities in, or to, a residential dwelling or child-occupied facility that:
(A) results in the permanent elimination of lead-based paint hazards; or
(B) is designed to permanently eliminate lead-based paint hazards as are described in subdivision (1) through (5).
(7) A project resulting in the permanent elimination of lead-based paint hazards, conducted by persons licensed under this rule or IC 13-17-14 unless the project is described under subsection (c).
(8) A project resulting in the permanent elimination of lead-based paint hazards, conducted by persons who, through the person's company name or promotional literature represent, advertise, or hold themselves out to be in the business of performing lead-based paint activities as identified and defined by this section, unless the projects are described under subsection (c).
(9) A project resulting in the permanent elimination of lead-based paint hazards that is conducted in response to state or local abatement orders.

(c) The term does not include the following:
(1) Renovation, remodeling, landscaping, or other activities, when such activities are not designed to permanently eliminate lead-based paint hazards, but are designed to repair, restore, or remodel a structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards.
(2) Interim controls, operations or maintenance activities, or other measures designed to temporarily, but not permanently, reduce lead-based paint hazards.

(Air Pollution Control Board; 326 IAC 23-1-2)

326 IAC 23-1-3 "Adequate quality control" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 3. "Adequate quality control" means a plan or design that ensures the authenticity, integrity, and accuracy of samples, including dust, soil, and paint chip or paint film samples. The term also includes provisions for representative sampling. (Air Pollution Control Board; 326 IAC 23-1-3)

326 IAC 23-1-4 "Approved initial training course" defined

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 4. "Approved initial training course" and "approved refresher training course" means a course approved by the department pursuant to this rule for the purposes of providing initial or refresher training to persons to become licensed under 326 IAC 23-2. Between October 1, 1990, and the effective date of this article, an approved initial or refresher training course may include:

(1) a course approved by the department;
(2) a course that has full or contingent approval by the U.S. EPA; or
(3) a course that has been approved by a U.S. EPA-authorized state or tribal accredited training curriculum.

(Air Pollution Control Board; 326 IAC 23-1-4)

326 IAC 23-1-5 "Approved training course provider" defined

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 5. "Approved training course provider" means a training course provider who has been approved by the department to provide training for individuals engaged in lead-based paint activities. This approval is specific to each discipline and to each initial or refresher training course and is not an overall approval to provide training for all training courses. (Air Pollution Control Board; 326 IAC 23-1-5)

326 IAC 23-1-6 "Certificate of training" defined

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 6. "Certificate of training" means a document issued by an approved initial or refresher training course provider to a person indicating that the person attended an approved initial or refresher training course and received a passing score on the written examination for such course. A certificate of training issued to a person seeking licensing by

the department shall be invalid if such certificate of training is issued by a training course provider who is such person's partner or employer or a subsidiary entity of such person's employer. (Air Pollution Control Board; 326 IAC 23-1-6)

326 IAC 23-1-7 "Child-occupied facility" defined

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 7. "Child-occupied facility" means a building, or portion of a building that:
(1) was constructed prior to January 1, 1978;
(2) does not qualify as target housing; and
(3) is visited regularly by a child who is six (6) years of age or younger and any of the following conditions exist for the building or portion of the building:
(A) The child visits at least two (2) days a week (Sunday through Saturday) and each of the visits last at least three (3) hours.
(B) The child visits at least six (6) hours each week.
(C) The child's combined annual visits during a calendar year total at least sixty (60) hours.

The term includes daycare centers, preschools, and kindergarten classrooms. (Air Pollution Control Board; 326 IAC 23-1-7)

326 IAC 23-1-8 "Clearance levels" defined

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 8. "Clearance levels" means values that indicate the maximum amount of lead permitted in dust on a surface following completion of an abatement activity. (Air Pollution Control Board; 326 IAC 23-1-8)

326 IAC 23-1-9 "Common area" defined

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 9. "Common area" means a portion of a building that is generally accessible to all occupants or users. The term includes, but is not limited to, the following:
(1) A hallway.
(2) A stairway.
(3) A laundry room.
(4) A recreational room.

(5) A playground.
(6) A community center.
(7) A garage.
(8) A boundary fence.
(Air Pollution Control Board; 326 IAC 23-1-9)

326 IAC 23-1-10 "Completion date" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 10. "Completion date" means a final visual inspection has been completed by the Indiana licensed risk assessor or inspector, it is determined that no dust, debris, or residue is present in the work area and warning signs and demarcation can be removed.
(Air Pollution Control Board; 326 IAC 23-1-10)

326 IAC 23-1-11 "Component or building component" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 11. "Component or building component" means a specific design or structural element or fixture of a building, residential dwelling, or child-occupied facility that is distinguished from each other by form, function, and location.
(1) The term includes, but is not limited to, the following interior components:
(A) Ceilings.
(B) Crown molding.
(C) Walls.
(D) Chair rails.
(E) Doors and door trim.
(F) Floors.
(G) Fireplaces.
(H) Radiators and other heating units.
(I) Shelves and shelf supports.
(J) Stair treads, stair risers, stair stringers, newel posts, railing caps, and balustrades.
(K) Windows and trim, including sashes, window heads, jambs, sills and stools, and troughs.
(L) Built-in cabinets.
(M) Columns and beams.
(N) Bathroom vanities.

(O) Counter tops.
(P) Air conditioners.
(2) The term includes, but is not limited to, the following exterior components:
(A) Painted roofing.
(B) Chimneys.
(C) Flashing.
(D) Gutters and down spouts.
(E) Ceilings.
(F) Soffits, fascias, rake boards, corner boards, and bulkheads.
(G) Doors and door trim.
(H) Fences.
(I) Floors and joists.
(J) Lattice work.
(K) Railings and railing caps, handrails, stair risers, treads, stair stringers, columns, or balustrades.
(L) Window sills or stools, troughs, casings, sashes, and wells.
(M) Siding.
(N) Air conditioners.
(Air Pollution Control Board; 326 IAC 23-1-11)

326 IAC 23-1-12 "Containment" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 12. "Containment" means a process to protect workers and the environment by controlling exposures to the lead-contaminated dust and debris created during abatement. (Air Pollution Control Board; 326 IAC 23-1-12)

326 IAC 23-1-13 "Course agenda" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 13. "Course agenda" means an outline of the key course topics to be covered during a training course, including the time allotted to teach each course of study. (Air Pollution Control Board; 326 IAC 23-1-13)

326 IAC 23-1-14 "Course test" defined
Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 14. "Course test" means an evaluation of the overall effectiveness of the training that tests the trainees' knowledge and retention of the course of study covered during the course. (Air Pollution Control Board; 326 IAC 23-1-14)

326 IAC 23-1-15 "Course test blue print" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 15. "Course test blue print" means written documentation identifying the proportion of course test questions devoted to each major course of study in the course curriculum. (Air Pollution Control Board; 326 IAC 23-1-15)

326 IAC 23-1-16 "Department" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 16. "Department" means the Indiana department of environmental management. (Air Pollution Control Board; 326 IAC 23-1-16)

326 IAC 23-1-17 "Deteriorated paint" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 17. "Deteriorated paint" means paint that is cracking, flaking, chipping, peeling, or otherwise separating from the substrate of a building component. (Air Pollution Control Board; 326 IAC 23-1-17)

326 IAC 23-1-18 "Discipline" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 18. "Discipline" means one (1) of the following specific types or categories of lead-based paint activities identified in this article for which individuals may receive training from approved programs and become licensed by the department:
(1) Inspector.
(2) Risk assessor.
(3) Project designer.
(4) Supervisor.

(5) Worker.
(6) Contractor.
(Air Pollution Control Board; 326 IAC 23-1-18)

326 IAC 23-1-19 "Distinct painting history" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 19. "Distinct painting history" means the application history, as indicated by its visual appearance or a record of application, over time, of paint or other surface coatings to a component or room. (Air Pollution Control Board; 326 IAC 23-1-19)

326 IAC 23-1-20 "Documented methodologies" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 20. "Documented methodologies" means methods or protocols used to sample for the presence of lead in paint, dust, and soil. (Air Pollution Control Board; 326 IAC 23-1-20)

326 IAC 23-1-21 "Dripline" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 21. "Dripline" means the farthest extended point of the polyethylene plastic sheeting. (Air Pollution Control Board; 326 IAC 23-1-21)

326 IAC 23-1-22 "Elevated blood level" or "EBL" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 22. "Elevated blood lead level" or "EBL" means an excessive absorption of lead that is a confirmed concentration of lead in whole blood of:
(1) twenty (20) micrograms of lead per deciliter of whole blood for one (1) venous test; or
(2) fifteen (15) to nineteen (19) micrograms of lead per deciliter of whole blood in two (2) consecutive tests taken three (3) to four (4) months apart.
(Air Pollution Control Board; 326 IAC 23-1-22)

326 IAC 23-1-23 "Emergency abatement operations" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 23. "Emergency abatement operations" means an unplanned operation that results from a sudden unexpected event, that if not immediately attended to presents a safety or public health hazard. (Air Pollution Control Board; 326 IAC 23-1-23)

326 IAC 23-1-24 "Encapsulant" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 24. "Encapsulant" means:
(1) a substance that forms a barrier between lead-based paint and the environment using a liquid-applied coating, with or without reinforcement materials; or
(2) an adhesively bonded covering material.
(Air Pollution Control Board; 326 IAC 23-1-24)

326 IAC 23-1-25 "Encapsulation" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 25. "Encapsulation" means the application of an encapsulant. (Air Pollution Control Board; 326 IAC 23-1-25)

326 IAC 23-1-26 "Enclosure" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 26. "Enclosure" means the 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. (Air Pollution Control Board; 326 IAC 23-1-26)

326 IAC 23-1-27 "Facility" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 27. "Facility" means any institutional, commercial, public, industrial, or residential building or structure. (Air Pollution Control Board; 326 IAC 23-1-27)

326 IAC 23-1-28 "Fund" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 28. "Fund", for the purposes of IC 13-17-14 and this article, means the Lead Trust Fund. (Air Pollution Control Board; 326 IAC 23-1-28)

326 IAC 23-1-29 "Guest instructor" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 29. "Guest instructor" means an individual designated by the training curriculum manager or principal instructor to provide instruction specific to the lecture, hands-on activities, or work practice components of the training course. (Air Pollution Control Board; 326 IAC 23-1-29)

326 IAC 23-1-30 "Hands-on skills assessment" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 30. "Hands-on skills assessment" means an evaluation that tests the trainees' ability to satisfactorily perform the work practices and procedures as well as any other skill taught in a training course. (Air Pollution Control Board; 326 IAC 23-1-30)

326 IAC 23-1-31 "Hazardous waste" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 31. "Hazardous waste" means any waste as defined in 40 CFR 261.3* or 329 IAC 3.1.

*** Copies of Title 40 of the Code of Federal Regulations (C.F.R.) May be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections are also available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 23-1-31)**

326 IAC 23-1-32 "High-efficiency particle air" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 32. "High efficiency particle air" or "HEPA" means a filter capable of filtering out particles of three-tenths (0.3) micron or greater from a body of air at ninety-nine and ninety-seven hundredths percent (99.97%) efficiency or greater. (Air Pollution Control Board; 326 IAC 23-1-32)

326 IAC 23-1-33 "Inspection" defined

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 33. "Inspection" means a surface-by-surface investigation to determine the presence of lead-based paint and the provision of a report explaining the results of the investigation. (Air Pollution Control Board; 326 IAC 23-1-33)

326 IAC 23-1-34 "Interim controls" defined

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 34. "Interim controls" means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including:

(1) specialized cleaning;
(2) repairs;
(3) maintenance;
(4) painting;
(5) temporary containment;
(6) ongoing monitoring of lead-based paint hazards or potential hazards; and
(7) the establishment and operation of management and resident education programs.

(Air Pollution Control Board; 326 IAC 23-1-34)

326 IAC 23-1-35 "Lead-based paint" defined

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 35. "Lead-based paint" means paint or another surface coating that contains lead in an amount equal to or greater than:

(1) one (1) milligram per square centimeter; or
(2) five-tenths percent (0.5%) by weight.

(Air Pollution Control Board; 326 IAC 23-1-35)

326 IAC 23-1-36 "Lead-based paint activities" defined

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 36. "Lead-based paint activities" means the inspection, risk assessment, and abatement of lead-based paint in target housing and child-occupied facilities. The term includes project design and supervision. (Air Pollution Control Board; 326 IAC 23-1-36)

326 IAC 23-1-37 "Lead-based paint hazard" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 37. "Lead-based paint hazard" means 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 U.S. EPA under Toxics Substances Control Act (TSCA), Section 403, 15 U.S.C. 2683*.

***Copies of the Toxic Substances Control Act (TSCA) may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections are also available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 23-1-37)**

326 IAC 23-1-38 "Lead-contaminated dust" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 38. "Lead-contaminated dust" means surface dust in residential dwellings or child-occupied facilities that contain an area or mass concentration of lead at, or in excess of, levels identified by the U.S. EPA under TSCA Section 403, 15 U.S.C. 2683*.

***Copies of the Toxic Substances Control Act (TSCA) may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections are also available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 23-1-38)**

326 IAC 23-1-39 "Lead-contaminated soil" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 39. "Lead-contaminated soil" means 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 U.S. EPA under TSCA, Section 403, 15 U.S.C. 2683*.

***Copies of the Toxic Substances Control Act (TSCA) may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections are also available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 23-1-39)**

326 IAC 23-1-40 "Lead-contaminated waste material" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 40. "Lead contaminated waste material" means materials that contain lead equal to or in excess of one (1.0) milligram per square centimeter or more than five-tenths percent (0.5%) by weight. (Air Pollution Control Board; 326 IAC 23-1-40)

326 IAC 23-1-41 "Lead hazard screen" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 41. "Lead hazard screen" means a limited risk assessment activity that involves limited paint and dust sampling. (Air Pollution Control Board; 326 IAC 23-1-41)

326 IAC 23-1-42 "Licensed abatement worker" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 42. "Licensed abatement worker" means a person who has been trained by an Indiana-approved training course provider and licensed by the department to perform abatements. (Air Pollution Control Board; 326 IAC 23-1-42)

326 IAC 23-1-43 "Licensed contractor" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 43. "Licensed contractor" means a:
(1) person;
(2) company;

(3) partnership;
(4) corporation;
(5) sole proprietorship;
(6) association; or
(7) other business entity;
that performs lead-based paint activities to which the department has issued a license under 326 IAC 23-2. (Air Pollution Control Board; 326 IAC 23-1-43)

326 IAC 23-1-44 "Licensed inspector" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 44. "Licensed inspector" means a person who has been trained by an Indiana-approved training course provider and licensed by the department to conduct inspections. A licensed inspector also samples for the presence of lead in dust and soil for the purposes of abatement clearance testing. (Air Pollution Control Board; 326 IAC 23-1-44)

326 IAC 23-1-45 "Licensed project designer" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 45. "Licensed project designer" means a person who has been trained by an Indiana-approved training course provider and licensed by the department to prepare abatement project designs, occupant protection plans, and abatement reports. (Air Pollution Control Board; 326 IAC 23-1-45)

326 IAC 23-1-46 "Licensed risk assessor" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 46. "Licensed risk assessor" means a person who has been trained by an Indiana-approved training course provider and licensed by the department to conduct risk assessments. A risk assessor also samples for the presence of lead in dust and soil for the purposes of abatement clearance testing. (Air Pollution Control Board; 326 IAC 23-1-46)

326 IAC 23-1-47 "Licensed supervisor" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 47. "Licensed supervisor" means a person who has been trained by an Indiana-

approved training course provider, licensed by the department to supervise and conduct abatements, and prepares occupant protection plans and abatement reports. (Air Pollution Control Board; 326 IAC 23-1-47)

326 IAC 23-1-48 "Living area" defined

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 48. "Living area" means any area of a residential dwelling used by one (1) or more children six (6) years of age and younger, including, but not limited to, the following:

(1) Living rooms.
(2) Kitchen areas.
(3) Dens.
(4) Play rooms.
(5) Children's bedrooms.
(6) Bathrooms.

(Air Pollution Control Board; 326 IAC 23-1-48)

326 IAC 23-1-49 "Multi-family dwelling" defined

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 49. "Multi-family dwelling" means a structure that contains more than one (1) 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 (1) or more persons. (Air Pollution Control Board; 326 IAC 23-1-49)

326 IAC 23-1-50 "Occupant protection plan" defined

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 50. "Occupant protection plan" means a plan that 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 or child-occupied facility and be developed prior to 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.

(Air Pollution Control Board; 326 IAC 23-1-50)

326 IAC 23-1-51 "Owner" defined

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 51. "Owner" means a:
(1) person;
(2) firm;
(3) corporation;
(4) guardian;
(5) conservator;
(6) receiver;
(7) trustee;
(8) executor; or
(9) other judicial officer;

who alone, jointly, or severally with others owns, holds, or controls the whole or any part of the freehold or leasehold title to any property with or without accompanying actual possession of it. The term also includes any vendee in possession of it. The term does not m include a mortgagee or an owner of a reversionary interest under a ground rent lease. (Air Pollution Control Board; 326 IAC 23-1-51)

326 IAC 23-1-52 "Paint in poor condition" defined

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 52. "Paint in poor condition" means:
(1) more than ten (10) square feet of deteriorated paint on exterior components with large surface areas such as walls, ceilings, floors, and doors;
(2) more than two (2) square feet of deteriorated paint on interior components with large surface areas, such as walls, ceilings, floors, and doors; or
(3) more than ten percent (10%) of the total surface area of the component is deteriorated on interior or exterior components with small surface areas, such as window sills, baseboards, soffits, and trim.

(Air Pollution Control Board; 326 IAC 23-1-52)

326 IAC 23-1-53 "Permanently covered soil" defined

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 53. "Permanently covered soil" means soil that has been separated from human contact by the placement of a barrier consisting of solid, relatively impermeable materials, such as pavement or concrete. The term does not include grass, mulch, and other landscaping materials. (Air Pollution Control Board; 326 IAC 23-1-53)

326 IAC 23-1-54 "Person" defined

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 54. "Person" has the meaning set forth in IC 13-11-2-158. (Air Pollution Control Board; 326 IAC 23-1-54)

326 IAC 23-1-55 "Principal instructor" defined

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 55. "Principal instructor" means the individual who has the primary responsibility for organizing and teaching a particular training course. (Air Pollution Control Board; 326 IAC 23-1-55)

326 IAC 23-1-56 "Quality control plan" defined

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 56. "Quality-control plan" means a plan to be used to maintain and improve the quality of the training curriculum over time. This plan shall contain at least the following:

(A) Procedures for periodic revision of training materials and the course test to reflect innovations in the field.
(B) Procedures for the training manager's annual review of the principal instructor's competency.

(Air Pollution Control Board; 326 IAC 23-1-56)

326 IAC 23-1-57 "Recognized laboratory" defined

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 57. "Recognized laboratory" means an environmental laboratory recognized by the U.S. EPA according to TSCA Section 405(b), 15 U.S.C. 2685(b)* as being capable of performing an analysis for lead compounds in paint, soil, and dust.

***Copies of the Toxic Substances Control Act (TSCA) maybe obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections are also available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 23-1-57)**

326 IAC 23-1-58 "Reduction" defined

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 58. "Reduction" means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods, including interim controls and abatement. (Air Pollution Control Board; 326 IAC 23-1-58)

326 IAC 23-1-59 "Residential dwelling" defined

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 59. "Residential dwelling" means:
(1) a detached single family dwelling unit, including attached structures such as porches and stoops; or
(2) a single-family dwelling unit in a structure that contains more than one (1) 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 (1) or more persons.
(Air Pollution Control Board; 326 IAC 23-1-59)

326 IAC 23-1-60 "Risk assessment" defined

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 60. "Risk assessment" means:
(1) an on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards; and
(2) the provision of a report by the individual or the firm conducting the risk assessment explaining the results of the investigation and options for reducing lead-based paint hazards.
(Air Pollution Control Board; 326 IAC 23-1-60)

326 IAC 23-1-61 "Start date" defined

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 61. "Start date" means the day warning signs are posted and barrier tape demarcating the work area has been placed. (Air Pollution Control Board; 326 IAC 23-1-61)

326 IAC 23-1-62 "Storage" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 62. "Storage" means the holding of lead containing waste material for a temporary period, at the end of which the waste is treated, disposed of, or stored elsewhere. (Air Pollution Control Board; 326 IAC 23-1-62)

326 IAC 23-1-63 "Target housing" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 63. "Target housing" means housing constructed before January 1, 1978. The term does not include the following:
(1) Housing for the elderly or individuals with disabilities that is not occupied by or expected to be occupied by a child six (6) years of age or younger.
(2) A building without a bedroom.
(Air Pollution Control Board; 326 IAC 23-1-63)

326 IAC 23-1-64 "Third-party examination" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 64. "Third-party examination" means an examination administered by the department or its designated representative as required under this rule for inspectors, risk assessors, and supervisors. (Air Pollution Control Board; 326 IAC 23-1-64)

326 IAC 23-1-65 "Training curriculum" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 65. "Training curriculum" means an established set of course topics for instruction in an approved training program for a particular discipline designed to provide specialized knowledge and skills. (Air Pollution Control Board; 326 IAC 23-1-65)

326 IAC 23-1-66 "Training hour" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 66. "Training hour" means at least fifty (50) minutes of actual learning, including but not limited to, time devoted to the following:
(1) Lecture.
(2) Learning activities.
(3) Small group activities.
(4) Demonstrations.
(5) Evaluations.
(6) Hands-on experience.
(Air Pollution Control Board; 326 IAC 23-1-66)

326 IAC 23-1-67 "Training manager" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 67. "Training manager" means the individual responsible for administering a training curriculum and monitoring the performance of principal instructors and guest instructors. (Air Pollution Control Board; 326 IAC 23-1-67)

326 IAC 23-1-68 "Visual inspection for clearance testing" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 68. "Visual inspection for clearance testing" means the visual examination of a residential dwelling or child-occupied facility following an abatement to determine whether or not the abatement has been successfully completed. (Air Pollution Control Board; 326 IAC 23-1-68)

326 IAC 23-1-69 "Visual inspection for risk assessment" defined
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 69. "Visual inspection for risk assessment" means the 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. (Air Pollution Control Board; 326 IAC 23-1-69)

326 IAC 23-1-70 "Work area" defined

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 70. "Work area" means the facility, room, or portion of a facility or room where a lead abatement removal project is about to occur, is in progress, or has been completed, extending to the point where access to the area, as indicated by either the plastic or poly that forms and surrounds the containment area, or demarcation by signs or barrier tape, is limited to those workers or supervisors, or other persons authorized by the employer and required by work duties to be present in regulated areas, implementing the lead-based paint removal project. (Air Pollution Control Board; 326 IAC 23-1-70)

Rule 2. Licensing

326 IAC 23-2-1 Applicability

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-14-2-2; IC 13-17-14

Sec. 1. (a) A person who engages in lead-based paint activities must obtain a license under this article. The department may issue a license for the following disciplines:

(1) Inspector.
(2) Risk assessor.
(3) Project designer.
(4) Supervisor.
(5) Worker.
(6) Contractor.

(b) This article does not apply to the following:
(1) A person conducting an inspection under the authority of IC 22-8-1.1 (the Indiana Occupational, Safety, and Health Act).
(2) A person who performs lead-based paint activities within a residential dwelling that the person owns, unless the residential dwelling is occupied by:
(A) a person, other than the owner or the owner's immediate family, while these activities are being performed; or
(B) a child who:
(i) is six (6) years of age or younger; and
(ii) resides in the building and has been identified as having an elevated blood lead level.

(c) This article may not be construed as requiring the abatement of lead-based paint hazards in a child-occupied facility or target housing. (Air Pollution Control Board; 326 IAC 23-2-1)

326 IAC 23-2-2 General provisions

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-14-2-2; IC 13-17-14

Sec. 2. (a) The purpose of the lead-based paint program is to ensure that a person conducting lead-based paint activities in target housing or child-occupied facilities does so in a manner that safeguards the environment and protects the health of the building's occupants, especially children who are six (6) years of age and younger.

(b) A political subdivision or a state agency may not accept a bid for a lead-based paint activities project from a person who does not hold a lead-based paint activities license.

(c) Without limiting the authority to inspect under IC 13-14-2-2, the commissioner may do the following:

(1) Inspect the site of a lead-based paint activities:

(A) before the project begins;
(B) during the project; or
(C) after the project is completed.

(2) Conduct an investigation of a lead-based paint activities project upon:

(A) the department's own initiation; or
(B) the receipt of a complaint by a person.

(3) Conduct an investigation of the provider of a lead-based paint activities training course upon:

(A) the department's own initiation; or
(B) the receipt of a complaint by a person.

(Air Pollution Control Board; 326 IAC 23-2-2)

326 IAC 23-2-3 Licensing; qualifications

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14

Sec. 3. (a) To become licensed by the department as an inspector, risk assessor, project designer, supervisor, or worker the applicant must do the following:

(1) Successfully complete an Indiana-approved lead-based paint course in the appropriate discipline and receive a certificate of training from an Indiana-

approved training course provider.
(2) Meet or exceed the experience and education requirements for each desired discipline as listed in subsection (b).
(3) For inspector, risk assessor, and supervisor applicants, pass the third-party examination in the appropriate discipline offered by the department or its designated representative.

(b) At a minimum, the following experience, education requirements, and course work must be fulfilled for each desired discipline:
(1) Worker applicants have no additional education or experience requirements other than under subsection (a)(1).
(2) Inspector applicants shall have a high school diploma or general equivalency diploma (GED).
(3) Risk assessor applicants shall take and pass the inspector and risk assessor courses and pass all required examinations, including third-party examinations, and meet any one (1) of the following combinations of education and experience:
(A) Bachelor's degree and one (1) year of experience in a related field, such as lead, asbestos, environmental remediation work, or construction.
(B) Associate's degree and two (2) years of experience in a related field, such as lead, asbestos, environmental remediation work, or construction.
(C) A high school diploma or GED and three (3) years of experience in a related field, such as lead, asbestos, environmental remediation work, or construction.
(4) Supervisor applicants shall take and pass the supervisor courses and all required examinations, including third-party exams, and meet one (1) of the following:
(A) One (1) year of experience as a certified lead-based paint abatement worker.
(B) Two (2) years of experience in a related field, such as lead, asbestos, environmental remediation, or work in the construction trades.
(5) Project designer applicants are required to take and pass the supervisor and project designer courses and pass all the required examinations, including third-party examinations and shall have:
(A) a bachelor's degree in engineering, architecture, or a related profession and one (1) year of experience in building construction design or a related field; or
(B) four (4) years of experience in building construction and design or a related field.

(c) A person who enters into a contract requiring the person to execute lead-based

paint activities to be conducted for compensation shall hold a lead-based paint activities contractor license. To become licensed by the department as a lead-based paint activities contractor, the applicant must comply with the following:

(1) The applicant must meet or have a designated employee who meets the following:

(A) Successfully complete an approved lead-based paint supervisor course, receive a certificate of training from an Indiana-approved training course provider, and take and pass a third-party examination.

(B) One (1) year of experience as a licensed lead-based paint abatement worker or two (2) years of experience in a related field, such as lead, asbestos, environmental remediation, or work in the construction trades.

(2) The contractor may not allow an agent or employee of the contractor to:

(A) exercise control over a lead-based paint activities project;

(B) come into contact with lead-based paint in connection with lead-based paint activities; or

(C) engage in lead-based paint activities;

unless the agent or employee is licensed under this rule.

(3) The contractor shall comply with the work practice standards under 326 IAC 23-4 for performing the appropriate lead-based paint activities.

(4) Each contractor is required to have at least one (1) licensed lead-based paint project supervisor, responsible for direct supervision of workers, in the work area of the lead-based paint activity during removal. Lead-based paint workers shall have access to the project supervisors throughout the duration of the project.

(5) Each contractor shall ensure that the current lead-based paint program license belonging to each project supervisor and worker is kept on the jobsite during all lead-based paint activities. The lead-based paint licenses shall be kept outside the work area, and shall be available for inspection by the department.

(6) For the purpose of fulfilling the requirements of this rule, collecting or analyzing air samples for determining the completion of the lead-based paint project shall not be done by a person employed by the lead-based paint contractor or a partner or subsidiary entity thereof, implementing a lead-based paint project.

(7) Contractor applicants must themselves have or have a designated representative who has:

(A) one (1) year of experience as a certified lead-based paint abatement worker; or

(B) at least two (2) years of experience in a related field, such as lead, asbestos, environmental remediation, or work in the construction trades.

(d) The following documents shall be submitted to the department to demonstrate

compliance with the requirements of this section:

(1) Official academic transcripts or diplomas to demonstrate compliance with the education requirements.

(2) Resumes, letters of reference, or documentation of work experience to demonstrate compliance with the work experience requirements.

(3) Certificates of training from lead-specific or other related training courses, issued by approved training course providers, to demonstrate compliance with the training requirements.

(e) To take the third-party examination, a person shall:

(1) successfully complete an Indiana-approved training course in the appropriate discipline;

(2) receive a certificate of training from an approved training course provider; and

(3) meet or exceed the education and experience requirements in subsections (b) and (c).

(f) An applicant may take the third-party examination, if required, no more than three (3) times within six (6) months of receiving a certificate of training.

(g) If a person does not pass the third-party examination and receive a license within six (6) months of receiving his or her certificate of training, the person must retake the appropriate initial course from an Indiana-approved training course provider before reapplying for a license from the department.

(h) Any individual who has had an eighteen (18) month time lapse between any two (2) training courses of the same discipline shall be required to attend an initial training course for the discipline in which he or she is seeking licensing. (Air Pollution Control Board; 326 IAC 23-2-3)

326 IAC 23-2-4 License; application

Authority: IC 13-17-14-5
Affected: IC 13-17-14

Sec. 4. (a) Any person applying for an initial lead-based paint license from the department as a lead-based paint inspector, a risk assessor, a project designer, a supervisor, a worker, or a contractor shall do the following:

(1) Submit a completed application on forms provided by the department.

(2) Submit a copy of all required documents, as provided in section 3(d) of this rule, that the person meets the experience, education, and training requirements in

section 3 of this rule, including that the applicant successfully completed the approved initial and any requisite refresher training courses.
(3) Receive passing scores on all written examinations for the courses.
(4) Pay the license application fee specified in section 8 of this rule.
(5) For persons applying for inspector, risk assessor, or supervisor licenses, provide proof of passing the third-party examination.

(b) Any person applying for an initial license from the department to conduct lead-based paint activities as a contractor shall do the following:
(1) Submit a completed application on forms provided by the department, which shall include a signed statement that the person has read and understands this rule and 40 CFR 745 "Lead; Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; Final Rule" (61 FR 45777, August 29, 1996)*.
(2) Submit a copy of all required documents, as provided in section 3(d) of this rule, indicating that the applicant or the applicant's designated representative meets the experience, education, and training requirements in section 3 of this rule, including having successfully completed the approved initial and any requisite refresher training courses for lead-based paint project supervisor and received passing scores on all written examinations for such courses, including third-party examinations.
(3) Submit a complete list of contracts for the prior twelve (12) months for lead-based paint projects, including names, addresses, and telephone numbers of persons for whom projects were performed.
(4) Submit an up-to-date copy of the contractor's written standard operating procedures that include current compliance procedures.
(5) Submit a description of any lead-based paint projects that the contractor conducted that were prematurely terminated or not completed, including the circumstances surrounding the termination or failure to complete.
(6) Submit a list of any contractual penalties that the contractor has paid for noncompliance with contract specifications.
(7) Submit copies of any and all:
(A) warning letters;
(B) Notice and Order of the Commissioner;
(C) Agreed Orders;
(D) citations;
(E) notices of violation; or
(F) findings of violation;
levied against the contractor by any federal, state, or local government agency for violations of regulations or other laws pertaining to lead-based paint activities,

including names and locations of the projects, the dates, and a description of how the allegations were resolved.
(8) Submit a description detailing all legal proceedings, lawsuits, warning letters to supervisors from the department, or claims that have been filed or levied against the contractor or any of the contractor's past or present employees, while employed by the contractor, for lead-based paint related activities.
(9) Submit documentation of the contractor's financial responsibility with a current certificate of insurance with at least five hundred thousand dollars ($500,000) of liability insurance. The company offering the insurance coverage must be recognized or licensed by the Indiana department of insurance.
(10) Pay the license application fee specified in section 8 of this rule.

(c) If the department determines the information on the application to be incomplete, the department shall request in writing that the applicant submit the missing information. If the information is not submitted within one (1) year of the department's receipt of the application, the application will expire and the fee is not transferable.

(d) In addition to the requirements of subsections (a) through (b), the department may require an applicant or a designated representative of a contractor, in the case of subsection (b), to take an examination administered by the department. The examination shall cover only the discipline for which the applicant is seeking a license. The commissioner shall deny the application if the applicant does not receive a passing score of seventy percent (70%). If the department denies the application, the certificate of training is invalid and the applicant must retake and pass the initial training course for the discipline for which the applicant is seeking a license, and any subsequent third-party examination.

(e) The applicant shall provide two (2) copies of a clear and recent one and one-half (1½) inch by one and one-half (1½) inch identifying color photograph at the time of application to be attached to the face of the lead-based paint license prior to issuance of the license by the department.

(f) The department shall review the application and shall make a determination as to the eligibility of the person. The department shall issue a lead-based paint program license to any person who fulfills the requirements established by this rule. The department may deny an application for a lead-based paint program license based on any of the applicable criteria listed in section 6 of this rule or for failure to comply with any other provision of this rule.

(g) Individuals who have received lead-based paint activities training between October 1, 1990 and the effective date of this rule, from the U.S. EPA or a U.S. EPA-authorized state or tribal accredited training curriculum shall be eligible for licensing under the following alternative procedures:

(1) Applicants for license as an inspector, risk assessor, or supervisor shall:

(A) demonstrate that the applicant has successfully completed training in the conduct of a lead-based paint activity;

(B) demonstrate that the applicant meets or exceeds the education and experience requirements in section 3 of this rule;

(C) successfully complete an Indiana-approved refresher training course for the appropriate discipline;

(D) pass a third-party examination administered by the department or its designated representative for the appropriate discipline

(E) submit a completed application on forms provided by the department; and

(F) Pay the license application fee specified in section 8 of this rule.

(2) Applicants for licensure as an abatement worker or project designer shall:

(A) demonstrate that the applicant has successfully completed training in the conduct of a lead-based paint activity;

(B) demonstrate that the applicant meets the education and experience requirements in section 3 of this rule;

(C) successfully complete an Indiana-approved refresher training course for the appropriate discipline;

(D) submit a completed application on forms provided by the department; and

(E) pay the license application fee specified in section 8 of this rule.

(3) This subsection remains in effect for twelve (12) months from the date that this rule becomes effective. After that date, all applicants under this rule must comply with all other provision of this rule.

(h) Applications must be completed in writing and submitted for processing. The department shall not process applications on a walk-in basis or process applications over the telephone. If the license is approved, the license will be sent to the applicant via the U.S. Postal Service to the address listed on the application.

***Copies of the Federal Register (FR) and the Code of Federal Regulations (CFR) are available from the Government Printing Office, Washington, D.C. or are available for copying from Indiana Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 23-2-4)**

326 IAC 23-2-5 Renewal of lead-based paint license

Authority: IC 13-17-14-5
Affected: IC 13-17-14

Sec. 5. (a) Any person seeking to renew a license as a lead-based paint inspector, risk assessor, project designer, supervisor, worker, or contractor shall meet the following requirements:

(1) Have possessed a valid license in the same discipline in which renewal is being sought within the previous six (6) months.

(2) Have attended, within the previous twelve (12) months, an approved refresher training course for the discipline in which the person was previously licensed. The following disciplines have additional requirements:

(A) A risk assessor shall take both the inspector refresher course and the risk assessor refresher course.

(B) A project designer shall take both the supervisor refresher course and the project designer refresher training course.

(3) Have taken and passed a third-party examination as required for inspector, risk assessor, or project supervisor.

(4) Submit a completed application on forms provided by the department and include a copy of:

(A) the certificates of training indicating that the person successfully completed the refresher training course and passed the written examination; and

(B) for inspectors, risk assessors, and supervisors, provide proof of having passed the third-party examination.

(5) Pay the license application fee as specified in section 8 of this rule.

(b) Any person seeking to renew a lead-based paint license as a contractor shall include updated information in the application if any information has changed during the previous twelve (12) months. The contractor shall routinely examine and update the standard operating procedures manual to reflect the compliance assurance methodologies that meet current federal, state, and local regulations or other laws pertaining to lead-based paint.

(c) The applicant shall provide two (2) copies of a clear and recent one and one-half (1½) inch by one and one-half (1½) inch identifying color photograph at the time of application to be attached to the face of the lead-based paint license prior to issuance of the license by the department.

(d) The department shall review the application and shall make a determination as to the eligibility of the person. The department shall issue a lead-based paint license renewal to any person who fulfills the requirements established in this rule. However, the department may deny an application for renewal of a lead-based paint license based on any of the criteria listed in section 6 of this rule, as applicable, or for failure to comply with any other provision of this rule.

(e) Any individual who has had an eighteen (18) month time lapse between any two (2) training courses of the same discipline shall be required to attend an initial training course for the discipline to which they are seeking to be licensed. (Air Pollution Control Board; 326 IAC 23-2-5)

326 IAC 23-2-6 Compliance requirements for lead-based paint contractors

Authority: IC 13-17-14
Affected: IC 13-17

Sec. 6. (a) A lead-based paint activities contractor licensed under this rule shall compile records concerning each lead-based paint activities project performed by the lead-based paint activities contractor. The records must include the following information on each lead-based paint activities project:

(1) The name, address, and proof of license of the following:

(A) The person who supervised the lead-based paint activities project for the lead-based paint activities contractor.

(B) Each employee or agent of the lead-based paint activities contractor that worked on the project.

(2) The name, address, and signature of each licensed risk assessor or inspector conducting clearance sampling and the date of clearance testing.

(3) The site of the lead-based paint activities project.

(4) A description of the lead-based paint activities project.

(5) The date on which the lead-based paint activities project was started and the date on which the lead-based paint activities project was completed.

(6) A summary of procedures that were used in the lead-based paint activities project to comply with applicable federal and state standards for lead-based paint activities projects.

(7) A detailed written description of the lead-based paint activities, including the following:

(A) Methods used.

(B) Locations of rooms or components where lead-based paint

activities occurred.
(C) Reasons for selecting particular lead-based paint activities methods for each component.
(D) Any suggested monitoring of encapsulants or enclosures.
(8) The occupant protection plan.
(9) The results of clearance testing and all soil analysis, if applicable, and the name of each federally-recognized laboratory that conducted the analysis.
(10) The amount of material containing lead-based paint that was removed from the site of the project.
(11) The name and address of each disposal site used for the disposal of lead-based paint containing material that was disposed of as a result of the lead-based paint activities project.
(12) A copy of each receipt issued by a disposal site.

(b) A lead-based paint activities contractor shall retain the records compiled under this section concerning a particular lead-based paint activities project for at least three (3) years after the lead-based paint activities project is concluded.

(c) A lead-based paint activities contractor shall make records available to the department upon request. (Air Pollution Control Board; 326 IAC 23-2-6)

326 IAC 23-2-7 Lead-based paint license revocation; denial
Authority: IC 13-17-14-5
Affected: IC 4-21.5; IC 13-17-14

Sec. 7. (a) The department may, under IC 4-21.5, deny an application for a license, reprimand a license, or suspend or revoke a license for any of the following reasons:
(1) Violating any requirement of the following:
(A) This title.
(B) 40 CFR 745 (Lead; Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities (61 FR 45777), August 29, 1996)*.
(C) IC 13-17-14.
(2) Falsifying information on an application for a lead-based paint license, including but not limited to, approval records, instructor qualifications, or other approval information.
(3) Violating or failing to meet any requirement specified in this article.
(4) Conducting a lead-based paint project, or related activity, in a manner that is hazardous to the public health.

(5) Performing work requiring a lead paint license at a job site without being in physical possession of initial and current certificates of training or license.
(6) Permitting the duplication or use of one's own lead-based paint license by another person.
(7) Performing work for which a lead-based paint license has not been received.
(8) Obtaining training from a training course provider who does not have the approval to offer training for the particular discipline for which the license was received.
(9) Obtaining training documentation through fraudulent means.
(10) Gaining admission to and completing an approved training curriculum through misrepresentation of admission requirements.
(11) Fraudulently or deceptively obtaining a license or attempts to obtain a license through misrepresentation of certificate of training requirements, third-party examination, or related documents dealing with education, training, professional registration, or experience.
(12) Misrepresenting the extent of a training courses's approval.
(13) Failing to submit required information or notifications in a timely manner.

(b) In addition to the causes in subsection (a), the department may, under IC 4-21.5, reprimand a lead-based paint contractor or suspend or revoke a lead-based paint license if the contractor:
(1) performs work requiring licensure at a job site with individuals who are not licensed;
(2) fails to comply with the work practice standards established in 326 IAC 23-4;
(3) misrepresents facts in the contractor's letter of application for a license;
(4) fails to maintain required records; or
(5) fails to comply with federal, state, or local lead-based paint rules, regulations, or statutes.

(c) In addition to an administrative or judicial finding of violation, for purposes of this section only, execution of a consent agreement in settlement of an enforcement action constitutes evidence of a failure to comply with relevant statutes or regulations.

(d) If the department finds that a lead-based paint activities project is not being performed in accordance with air pollution control laws or rules adopted by the board, the department may enjoin further work on the lead-based paint project without prior notice or hearing by completing the following procedures:
(1) A notice shall be delivered to:
(A) the lead-based paint activities contractor engaged in the lead-based paint

activities project; or

(B) an agent or representative of the lead-based paint activities contractor.

(2) A notice issued under this section must:

(A) specify the violations of law that are occurring on the lead-based paint activities project; and

(B) prohibit further work on the lead-based paint activities project until the specified violations cease and the notice is rescinded by the commissioner.

(3) The contractor shall have fourteen (14) days in which to provide written notification to the department that violations have been corrected.

(4) Not later than ten (10) days after receiving written notification from a contractor that violations specified in a notice issued under this section have been corrected, the commissioner shall issue a determination regarding recission of the notice.

***Copies of the Federal Register (FR) and the Code of Federal Regulations (CFR) are available from the Government Printing Office, Washington, D.C. or are available for copying from Indiana Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 23-2-7)**

326 IAC 23-2-8 Fees

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14

Sec. 8. (a) Upon application for a lead-based paint program license, a person shall pay a fee as follows:

(1) Inspector, one hundred fifty dollars ($150).

(2) Risk assessor, one hundred fifty dollars ($150).

(3) Project designer, one hundred dollars ($100).

(4) Supervisor, one hundred fifty dollars ($150).

(5) Worker, fifty dollars ($50).

(6) Contractor, one hundred fifty dollars ($150).

(b) Fees paid by mail shall be paid by check or money order and shall be made payable to the lead trust fund and sent to the Cashier, Indiana Department of Environmental Management, P.O. Box 7060, Indianapolis, Indiana 46206-7060.

(c) The application fee shall not be:

(1) transferable from one (1) type of lead-based paint license to another;

(2) transferable from one (1) person to another;

(3) transferable to any other type of license or approval issued by the department; or

(4) refundable;

unless requested by the applicant within three (3) days of submittal to the department or prior to processing by the department, whichever is earlier.

(d) If the department determines the information on the application to be incomplete, the applicant will be requested to submit the missing information. If the information is not submitted within one (1) year of the department's receipt of the application, the application will expire and the fee is not transferable or refundable. (Air Pollution Control Board; 326 IAC 23-2-8)

326 IAC 23-2-9 Duplicate lead-based paint program licenses

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14

Sec. 9. (a) To replace a lead-based paint program license that has been lost or stolen, a person shall submit a completed application for a duplicate license on a form provided by the department.

(b) The form shall include a statement indicating that the original lead-based paint program license was lost or stolen.

(c) The department shall issue no more than two (2) duplicate licenses to any person in any calendar year. (Air Pollution Control Board; 326 IAC 23-2-9)

326 IAC 23-2-10 Compliance; enforcement

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14

Sec. 10. Failure to comply with IC 13-17-14 or this rule may result in civil or criminal enforcement under IC 13-30. (Air Pollution Control Board; 326 IAC 23-2-10)

Rule 3. Training Courses and Instructors

326 IAC 23-3-1 Applicability

Authority: IC 13-17-14-5
Affected: IC 13-11-2-158; IC 13-17-14

Sec. 1. (a) A person may apply to the department to be an approved training course

provider to offer lead-based paint activities initial or refresher courses in any of the following disciplines:

(1) Inspector.
(2) Risk assessor.
(3) Project designer.
(4) Supervisor.
(5) Worker.

(b) Training course providers may apply to the department for approval of their lead-based paint activities courses or refresher courses pursuant to this rule on or after the effective date of this rule.

(c) A training course provider shall not provide, offer, or claim to provide approved lead-based paint activities courses without applying for and receiving approval from the department as required under this rule.

(d) Section 12 of this rule does not apply to a training course provider that is:
(1) a state;
(2) a unit, as defined in IC 36-1-2-23;
(3) a municipal corporation, as defined in IC 36-1-2-10; or
(4) an exempt organization under 26 U.S.C. 501(a)*.

***Copies of the United States Code (USC) are available from the Government Printing Office, Washington, D.C. or pertinent sections are available for copying from Indiana Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204.**
(Air Pollution Control Board; 326 IAC 23-3-1)

326 IAC 23-3-2 Initial and refresher training course application for approval
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14

Sec. 2. The following procedures shall be followed by a training course provider to receive approval by the department to offer initial or refresher lead-based paint activities courses:

(1) A training course provider seeking approval for each training course shall submit one (1) written application, per discipline, for each initial and refresher training course on forms provided by the department. The application for approval shall contain the following information:

(A) The training course provider's name, address, telephone number, and primary contact person.
(B) The name of the training course.
(C) The course agenda or curriculum.
(D) The training course test blue print for each course.
(E) A letter from the training course provider that clearly indicates how the course meets the applicable requirements of this rule, including the following information:

(i) Length of training in days.
(ii) A description of the facilities and equipment to be used for lecture and hands-on training.
(iii) Amount and type of hands-on training.
(iv) Description of the examinations, including the length, format, and passing score.
(v) A description of the activities and procedures that will be used for conducting the assessment of hands-on skills for each course.
(vi) Topics covered in the course.
(vii) A copy of the quality control plan as defined in 326 IAC 23-1-56 of this rule.
(viii) A copy of the certificates of training.

(F) If a training course provider uses U.S. EPA-recommended model training materials, the training course manager shall include a statement certifying that the recommended version will be used.
(G) The names and qualifications of the course instructors, including guest instructors, to include academic credentials and field experience.
(H) A detailed statement about the development of the examinations and a copy of the examinations used in the course.
(I) A description and an example of numbered certificates issued to students who complete the course and pass the examination, with the following information:

(i) Name and address of accredited person.
(ii) Discipline of the training course completed.
(iii) Dates of the training course.
(iv) Date of the examination.
(v) An expiration date not to exceed one (1) year after the date upon which the person successfully completed the course and passed the examination.
(vi) The name, address, and telephone number of the training course provider who issued the certificate.

(vii) A statement that the person receiving the certificate has completed the requisite training for lead-based paint accreditation.
(viii) A statement that the training course meets the requirements as outlined by Indiana under this rule.

(J) A list of all U.S. EPA authorized and nonapproved states in which the course has received full or contingent approval. Also provide a list of courses directly approved by the U.S. EPA.

(K) A detailed statement of how the training course provider ensures that all requirements for training students be met in the event that:

(i) the instructor does not speak a language understood by all students; or

(ii) the course materials are not in a language understood by all students.

(2) If a training course provider's training course materials are not based on U.S. EPA-recommended model training materials or training materials approved by an EPA-approved state or Indian Tribe, the training course provider's application for approval shall include the following for each course:

(A) A copy of the student and instructor manuals.

(B) A copy of the course agenda.

(3) A training course provider may apply for approval to offer initial courses or refresher courses in as many disciplines as it chooses. A training course provider may seek approval for additional courses at any time as long as the training course provider can demonstrate that it meets the requirements of this rule.

(4) If the department determines the information on the application to be incomplete, the applicant will be requested to submit the missing information. If the information is not submitted within one (1) year of the department's receipt of the application, the application will expire and the application fee is not transferable or refundable.

(Air Pollution Control Board; 326 IAC 23-3-2)

326 IAC 23-3-3 Initial training course requirements

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14

Sec. 3. To offer lead-based paint course instruction in any one (1) or all of the disciplines, training course providers must ensure that their courses of study meet, at a minimum, the following training hour requirements and hands-on activities:

(1) The course of study for an inspector must last a minimum of twenty-four (24) training hours. This course of study shall include a minimum of eight (8) hours of

hands-on training and shall contain the following course topics:

(A) Role and responsibilities of an inspector.

(B) Background information on lead and its adverse health effects.

(C) Lead-based paint inspection methods, including selection of rooms and components for sampling or testing. This course of study shall include hands-on activities.

(D) Paint, dust, and soil sampling methodologies. This course of study shall include hands-on activities.

(E) Clearance standards and testing, including random sampling. This course of study shall include hands-on activities.

(F) Preparation of the final inspection report. This course of study shall include hands-on activities.

(G) Record keeping.

(H) Employee respiratory protection and personal protective equipment to include the following:

(i) Classes and characteristics of respirator types.

(ii) Limitations of respirators.

(iii) Proper selection, inspection, donning, use, maintenance, and storage procedures for respirators.

(iv) Methods for field testing of the face piece-to-mouth seal (positive and negative pressure fitting tests).

(v) Qualitative and quantitative fit testing procedures.

(vi) Variability between field and laboratory protection factors.

(vii) Factors that alter respirator fit, for example, facial hair.

(viii) The components of a proper respiratory protection program.

(ix) Selection and use of personal protective clothing.

(x) Use, storage, and handling of nondisposable clothing.

(I) Regulatory review to include the following:

(i) TSCA Title II*.

(ii) Occupational Safety and Health Administration (OSHA) respirator requirements found at 29 CFR 1910.134.**

(iii) Applicable local, state, and federal regulations and guidance that pertain to lead-based paint and lead-based paint activities.

(2) The course of study for a risk assessor must last a minimum of sixteen (16) training hours and shall include a minimum of four (4) hours of hands-on training and contain the following course topics:

(A) Role and responsibilities of a risk assessor.

(B) Collection of background information to perform a risk assessment.

(C) Sources of environmental lead contamination such as paint, surface dust

and soil, water, air, packaging, and food.
(D) Visual inspection for the purposes of identifying potential sources of lead-based paint hazards. The course of study shall include hands-on activities.
(E) Lead hazard screen protocol.
(F) Sampling for other sources of lead exposure. The course of study shall include hands-on activities.
(G) Interpretation of lead-based paint and other lead sampling results, including all applicable state or federal guidance or regulations pertaining to lead-based paint hazards. The course of study shall include hands-on activities.
(H) Development of hazard control options, the role of interim controls, and operations and maintenance activities to reduce lead-based paint hazards.
(I) Preparation of a final risk assessment report.
(J) Regulatory review to include, at minimum, the following:
(i) OSHA lead construction standard found at 29 CFR 1926.62.**
(ii) U.S. EPA worker protection rule found at 40 CFR 763, Subpart G.**
(iii) Applicable local, state, and federal regulations.

(3) The course of study for a supervisor must last a minimum of thirty-two (32) training hours and shall include a minimum of eight (8) hours of hands-on training and contain the following course topics:
(A) Role and responsibilities of a supervisor.
(B) Background information on lead and its adverse health effects.
(C) Regulatory review to include, at minimum, the following:
(i) OSHA lead construction standard found at 29 CFR 1926.62. (Occupational Safety and Health Administration, Occupational Exposure to Lead).**
(ii) U.S. EPA worker protection rule found at 40 CFR 763, Subpart G.**
(iii) Applicable local, state, and federal regulations.
(D) Liability and insurance issues relating to lead-based paint abatement.
(E) Risk assessment and inspection report interpretation. This course of study shall include hands-on activities.
(F) Development and implementation of an occupant protection plan and abatement report.
(G) Lead-based paint hazard recognition and control. This course of study shall include hands-on activities.
(H) Lead-based paint abatement and lead-based paint hazard reduction

methods, including restricted practices. This course of study shall include hands-on activities.

(I) Interior dust abatement and cleanup or lead-based paint hazard control and reduction methods. This course of study shall include hands-on activities.

(J) Soil and exterior dust abatement or lead-based paint hazard control and reduction methods. This course of study shall include hands-on activities.

(K) Clearance standards and testing.

(L) Cleanup and waste disposal.

(M) Record keeping.

(N) Employee personal respiratory protection and personal protective equipment to include the following:

(i) Classes and characteristics of respirator types.

(ii) Limitations of respirators.

(iii) Proper selection, inspections, donning, use, maintenance, and storage procedures for respirators.

(iv) Methods for field testing of the face piece-to-mouth seal (positive and negative pressure fitting tests).

(v) Qualitative and quantitative fit testing procedures.

(vi) Variability between field and laboratory protection factors.

(vii) Factors that alter respirator fit, for example, facial hair.

(viii) The components of a proper respiratory protection program.

(ix) Selection and use of personal protective clothing.

(x) Use, storage, and handling of nondisposable clothing.

(xi) Regulations covering personal protective equipment.

(O) Respiratory protection programs and medical surveillance programs.

(4) The course of study for a project designer must last a minimum of eight (8) training hours and contain the following course topics:

(A) Role and responsibilities of a project designer.

(B) Development and implementation of an occupant protection plan for large scale abatement projects.

(C) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices for large-scale abatement projects.

(D) Interior dust abatement and cleanup or lead hazard control and reduction methods for large-scale abatement projects.

(E) Clearance standards and testing for large-scale abatement projects.

(F) Integration of lead-based paint abatement methods with modernization and rehabilitation projects for large-scale abatement projects.

(G) OSHA requirements for lead sites.

(H) Relevant federal, state, and local regulatory requirements with a discussion of procedures and standards.

(I) Employee personal protective equipment to include the following:

(i) Classes and characteristics of respiratory types.

(ii) Limitations of respirators.

(iii) Proper selection, inspection, donning, use, maintenance, and storage procedures.

(iv) Methods for field testing of the face piece-to-mouth seal (positive and negative pressure fitting tests).

(v) Qualitative and quantitative fit testing procedures.

(vi) Variability between field and laboratory protection factors.

(vii) Factors that alter fit, for example, facial hair.

(viii) Components of a proper respiratory protection program.

(ix) Selection and use of personal protective clothing.

(x) Use, storage, and handling of nondisposable clothing.

(5) The course of study for an abatement worker must last a minimum of sixteen (16) training hours. This course of study shall include a minimum of eight (8) hours of hands-on activities and contain the following course topics:

(A) Role and responsibilities of an abatement worker.

(B) Background information on lead and its adverse health effects.

(C) Background information on federal, state, and local regulations and guidance that pertain to lead-based paint abatement.

(D) Lead-based paint hazard recognition and control. This course of study shall include hands-on activities.

(E) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices, with hands-on activities.

(F) Interior dust abatement methods and cleanup or lead-based paint hazard reduction, with hands-on activities.

(G) Soil and exterior dust abatement methods or lead-based paint hazard reduction, with hands-on activities.

(H) Employee personal protective equipment to include the following:

(i) Classes and characteristics of respirator types.

(ii) Limitations of respirators and their proper selection, inspection, donning, use, maintenance, and storage procedures.

(iii) Methods for field testing of the face piece-to-mouth seal (positive and negative pressure fitting tests).

(iv) Qualitative and quantitative fit testing procedures.

(v) Variability between field and laboratory protection factors.

(vi) Factors that alter respirator fit, for example, facial hair.

(vii) The components of a proper respiratory protection program.

(viii) Selection and use of personal protective clothing, use, storage,

and handling of nondisposable clothing.
(ix) Regulations covering personal protective equipment.
(I) Hazards encountered during abatement activities and how to deal with them, including the following:
(i) Electrical hazards.
(ii) Heat stress.
(iii) Air contaminants other than lead.
(iv) Fire and explosion hazards.
(v) Scaffold and ladder hazards.
(vi) Slips, trips, and falls.
(vii) Confined spaces.
(J) Applicable federal, state, and local regulations and guidance that pertains to lead-based paint and lead-based paint activities.

***Copies of pertinent sections of the Toxic Substances Control Act (TSCA) and the United States Code (U.S.C.) are available from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204.**

****Copies of pertinent sections of the Code of Federal Regulations (CFR) are available from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 23-3-3)**

326 IAC 23-3-4 Refresher training course requirements, course work
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14

Sec. 4. A training course provider may seek approval to offer refresher training courses for licensing in the disciplines of inspector, risk assessor, project designer, supervisor, and worker. To obtain approval from the department to offer refresher training, a training course provider shall meet the following minimum requirements:
(1) Each refresher course shall review the curriculum of the initial courses listed under section 3 of this rule, as appropriate. In addition, to become approved to offer refresher training courses, training course providers shall ensure that the courses of study include, at a minimum, the following:
(A) An overview of current safety practices relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.

(B) Current laws and regulations relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.

(C) Current technologies relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.

(2) The refresher training course for inspector, risk assessor, supervisor, and worker shall last a minimum of eight (8) training hours. The project designer refresher course shall last a minimum of four (4) training hours.

(3) For each course offered, the training course provider shall conduct a hands-on assessment, if applicable, and at the completion of the course, a course test.

(4) A training course provider may apply for approval of a refresher course concurrently with its application for approval of the corresponding training course.

(5) A training course provider seeking approval to offer only refresher training courses shall submit a written application to the department containing the following information:

(A) The refresher training course provider name, address, and telephone number.

(B) A list of courses for which it is applying for approval.

(C) A statement signed by the training curriculum manager certifying that the refresher training course meets the minimum requirements established in this section. If a training course provider uses U.S. EPA-recommended model training materials, or training materials approved by Indiana, another state, or Indian Tribe that has been approved by the U.S. EPA to develop its refresher training course materials, the training manager shall include a statement certifying that as well.

(D) If a training course provider's training course materials are not based on U.S. EPA-recommended model training materials or training materials approved by an EPA approved state or Indian tribe, the training course provider's application for approval shall include the following for each course:

(i) A copy of the student and instructor manuals.

(ii) A copy of the training course agenda.

(E) All refresher training curriculums shall include in their application for certification the following:

(i) A description of the facilities and equipment to be used for lecture and hands-on training.

(ii) A copy of the training course test blue print for each course.

(iii) A description of the activities and procedures that will be used for conducting the assessment of hands-on skills for each course, where applicable.

(iv) A copy of the quality control plan.

(Air Pollution Control Board; 326 IAC 23-3-4)

326 IAC 23-3-5 Examination requirements
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14

Sec. 5. (a) Each initial and refresher training course shall include a closed-book written examination at the conclusion of each course.

(b) Each individual must successfully complete the hands-on skills assessment and receive a passing score on the course test to pass any course.

(c) The training manager is responsible for maintaining the validity and integrity of the hands-on skills assessment to ensure that it accurately evaluates the trainees' performance of the work practices and procedures associated with the course of study contained in section 3 of this rule.

(d) The training manager is responsible for maintaining the validity and integrity of the written examination to ensure that it accurately evaluates the trainees' knowledge and retention of the course of study.

(e) Each examination shall adequately cover the course of study included in the training course for that discipline.

(f) The written examination shall be developed in accordance with the test blue print submitted with the training approval application.

(g) Written examinations shall have a passing score of at least seventy percent (70%) and shall consist of multiple-choice questions for each respective discipline. In addition, the training course provider shall include a hands-on skill assessment if applicable to the requirements for that discipline. The following number of questions shall be required for each respective discipline:

(1) Inspector, fifty (50) questions.
(2) Risk assessor, one hundred (100) questions.
(3) Project designer, one hundred (100) questions.
(4) Supervisor, one hundred (100) questions.
(5) Worker, fifty (50) questions.

(Air Pollution Control Board; 326 IAC 23-3-5)

326 IAC 23-3-6 Training course providers; responsibilities
Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14

Sec. 6. (a) The training course provider shall issue unique course completion certificates to each individual who passes the training course. The course completion certificate shall include the following:

(1) The name, a unique identification number, and address of the individual.

(2) The name of the particular course that the individual completed.

(3) Dates of course completion and test passage.

(4) Expiration date.

(5) The name, address, and telephone number of the training course provider.

(b) The training manager shall develop and implement a quality control plan. The plan shall be used to maintain and improve the quality of the training curriculum over time. This plan shall contain at least the following items:

(1) Procedures for periodic revision of training materials and the course test to reflect innovations in the field.

(2) Procedures for the training manager's annual review of principal instructor competency.

(c) The training course provider shall offer courses that teach the work practice standards for conducting lead-based paint activities contained in 326 IAC 23-2 and other standards developed by the U.S. EPA pursuant to Title IV of the Toxic Substance Control Act, 15 U.S.C. 2601, et seq. These standards shall be taught in the appropriate courses to provide trainees with the knowledge needed to perform the lead-based paint activities that they are responsible to conduct.

(d) The training manager shall be responsible for ensuring that the training course complies at all times with all of the requirements in this section.

(e) The training manager shall allow the department to audit the training curriculum to verify the contents of the application for approval.

(f) The training manager shall ensure that each initial and refresher training course offered is specific to a single discipline and not combined with training for any other discipline.

(g) The training course providers of refresher training courses shall verify that students have taken and passed a valid initial training course before granting course admission. (Air Pollution Control Board; 326 IAC 23-3-6)

326 IAC 23-3-7 Expiration of course approval; reapproval

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14

Sec. 7. (a) Unless reapproved, a training course approval, including refresher training approval, shall expire one (1) year from the date of issuance. A training course provider seeking reapproval of each training course shall submit one (1) written application per discipline for each initial and each refresher training course on forms provided by the department no later than ninety (90) days before its current approval expires. The department cannot guarantee that a determination on the application will be made before the end of the current approval period if a training course provider does not submit a timely, complete application for reapproval.

(b) The training course provider's application for reapproval shall contain the following information:

(1) The training course provider's name, address, telephone number, and primary contact person.
(2) The name of the training course.
(3) The course agenda or curriculum.
(4) A letter from the training course provider that clearly indicates how the course meets the applicable requirements of this rule, including the following information:
(A) Length of training in days.
(B) A description of the facilities and equipment to be used for lecture and hands-on training.
(C) Amount and type of hands-on training.
(D) Description of the examinations, including the length, format, and passing score.
(E) A description of the activities and procedures that will be used for conducting the assessment of hands-on skills for each course.
(F) Topics covered in the course.
(G) A copy of the quality control plan.
(5) A detailed statement about the development of the examinations and a copy of the examinations used in the course.
(6) The names and qualifications of the course instructors, including guest instructors, to include academic credentials and field experience.
(7) A description and an example of numbered certificates issued to students who complete the course and pass the examination, with the following information:
(A) Name and address of the accredited person.
(B) Discipline of the training course completed.
(C) Dates of the training course.
(D) Date of the examination.
(E) An expiration date not to exceed one (1) year after the date upon which

the person successfully completed the course and passed the examination.
(F) The name, address, and telephone number of the training course provider who issued the certificate.
(G) A statement that the person receiving the certificate has completed the requisite training for lead-based paint accreditation.
(H) A statement that the training course meets the requirements as outlined by Indiana under this rule.

(8) A list of both U.S. EPA approved and nonapproved states, in which the course has received full or contingent approval. Also provide a list of courses directly approved by the U.S. EPA.

(9) A detailed statement of how the training course provider ensures that all requirements for training students be met in the event that:
(A) the instructor does not speak a language understood by all students; or
(B) the course materials are not in a language understood by all students.

(10) A list of courses for which the training course provider is applying for reapproval.

(11) A description of any changes to the training facility, equipment, or course materials since its last application was approved that adversely affects the students' ability to learn.

(12) A statement signed by the program manager stating that:
(A) the training course provider complies at all times with all requirements in this rule as applicable; and
(B) the record keeping and reporting requirements of this section shall be followed.

(c) Upon request, the training course provider shall allow the department to audit the training curriculum to verify the contents of the application for reapproval.

(d) A training course provider may apply for reapproval to offer initial courses or refresher courses in as many disciplines as it chooses. A training course provider may seek approval for additional courses at any time as long as the training course provider can demonstrate that it meets the requirements of this rule.

(e) If a training course provider's training course materials are based on U.S. EPA-recommended model training materials or training materials approved by Indiana, another approved state or Indian tribe, the training course manager shall include a statement certifying that the recommended version will be used.

(f) If a training course provider's training course materials are not based on U.S. EPA-recommended model training materials or training materials approved by an EPA-approved state or Indian tribe, the training course provider's application for approval shall

include the following for each course:

(1) A copy of the student and instructor manuals.

(2) A copy of the course agenda.

(Air Pollution Control Board; 326 IAC 23-3-7)

326 IAC 23-3-8 Training manager and instructor qualifications

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14

Sec. 8. (a) For a training course provider to obtain approval from the department to offer lead-based paint activities courses, the program shall meet the following training manager and instructor requirements:

(1) The training course provider shall employ a training manager who has the following education or work experience:

(A) At least two (2) years of experience, education, or training in teaching workers or adults.

(B) A bachelor's or graduate degree in building construction technology, engineering, industrial hygiene, safety, public health, education, business administration, or program management or a related field.

(C) Two (2) years of experience in managing a training curriculum specializing in environmental hazards.

The training manager shall also have demonstrated experience, education, or training in the construction industry, including lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

(2) Training course providers shall submit resumes and qualifications of all potential instructors, including guest instructors, for approval by the department prior to their use as instructors for any course.

(3) A qualified principal instructor shall be hired by the training manager for each course and shall have the following education and work experience:

(A) Possess:

(i) a high school diploma or equivalent; and

(ii) either:

(AA) a bachelor's or graduate degree in architecture, industrial hygiene, engineering, building system design, science, or a related field; or

(BB) a combination of four (4) years of experience in lead-based paint or asbestos inspection, abatement, occupational safety and health, or hygiene.

(B) Successfully completed at least sixteen (16) hours of any U.S. EPA-accredited or U.S. EPA-authorized state or tribal-accredited lead-specific

training, including the course in which they plan to instruct. After the effective date of this rule, the training must be taken from an Indiana-approved training course. The training course shall be taken from a training course provider other than the provider for whom the instructor will be working.

(4) The principal instructor shall be responsible for the organization of the course and oversight of the teaching of all course material. The training manager may designate guest instructors as needed to provide instruction specific to the lecture, hands-on activities, or work practice components of a course.

(b) The following documents shall be submitted to the department to demonstrate that training managers and principal instructors have the education, work experience, training requirements or demonstrated experience:

(1) Official academic transcripts or diploma to demonstrate compliance with the education requirements.

(2) Resumes, letters of reference, or documentation of work experience to demonstrate compliance with the work experience requirements.

(3) Certificates from train-the-trainer courses and lead-specific training courses to demonstrate compliance with the training requirements.

This documentation is required to be submitted with the approval application, and shall be retained by the training course provider as required by the record keeping requirements contained in section 11 of this rule.

(c) The training course provider shall ensure the availability of, and provide adequate facilities for the delivery of the lecture, course test, hands-on training, and assessment activities. This includes providing training equipment that reflects current work practices and maintaining or updating the equipment and facilities as needed. (Air Pollution Control Board; 326 IAC 23-3-8)

326 IAC 23-3-9 Approval; suspension; revocation; modification

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14

Sec. 9. (a) The department may suspend, revoke, or modify training course provider approval, including refresher training approval, if a training course provider, training manager, or other person with supervisory authority over the training course provider has:

(1) misrepresented the contents of a training course to the department or the student population;

(2) failed to submit required information or notifications in a timely manner;

(3) failed to maintain required records;
(4) falsified approval records, instructor qualifications, or other approval-related information or documentation;
(5) failed to comply with the training standards and requirements in this section;
(6) failed to comply with federal, state, or local lead-based paint statutes or regulations; or
(7) made false, misleading statements to the department in its application for approval or reapproval upon which the department relied in approving the application.

(b) In addition to an administrative or judicial finding of violation, execution of a consent agreement in settlement of an enforcement action constitutes, for purposes of this section, evidence of a failure to comply with relevant statutes or regulations. (Air Pollution Control Board; 326 IAC 23-3-9)

326 IAC 23-3-10 Record keeping requirements for training course providers
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14

Sec. 10. (a) All approved training course providers shall maintain and make available to the department, upon request, the following records:
(1) All documents specified in section 8 of this rule that demonstrate the qualifications of the training manager and guest and principal instructors.
(2) Current curriculum or course materials and documents reflecting any changes made to these materials.
(3) The course test blue print.
(4) Information regarding how the hands-on assessment, if applicable, is conducted including, but not limited to the following:
(A) Who conducts the assessment.
(B) How the skills are graded.
(C) What facilities are used.
(D) The pass and fail rates.
(E) The quality control plan.
(F) Results of the students' hands-on skills assessments and course tests, and a record of each student's course completion certificate.
(G) Any other material that was submitted to the department as part of the program's application for approval.

(b) The training course provider shall notify the department in writing within thirty (30) days of changing the address specified on its training course provider approval application or when transferring the records from that address.

(c) The training course provider shall retain records described in subsection (a) at the address specified on the training course provider approval application for a minimum of three (3) years and six (6) months. (Air Pollution Control Board; 326 IAC 23-3-10)

326 IAC 23-3-11 Course notification and record submittal requirements

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14

Sec. 11. All approved providers of approved initial and refresher training courses shall comply with the following requirements:

(1) Notify the department in writing of all intended training courses to be held. Notification shall contain course dates, daily scheduled beginning and ending times, and exact course locations. Submission information shall be as follows:

(A) Notice of courses to be held in Indiana shall be submitted to the department two (2) weeks prior to the scheduled course start date.

(B) Notice of courses to be held outside Indiana shall be submitted to the department four (4) weeks prior to the scheduled course start date.

(C) Notice of course cancellation shall be submitted to the department two (2) working days prior to the scheduled course start date.

(2) All approved providers of accredited initial and refresher training courses shall provide the department, not later than two (2) weeks after the completion of each course, the following:

(A) A list of all course attendee names.

(B) The type of course attended.

(C) The date or dates of the course and the examination.

(D) Exam scores for each attendee.

(E) The certificate number issued to each attendee.

(Air Pollution Control Board; 326 IAC 23-3-11)

326 IAC 23-3-12 Application fee

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14

Sec. 12. (a) Upon application for initial or refresher lead-based paint activities course approval, a training course provider shall pay a one (1) time application fee of one thousand dollars ($1,000) for each of the following disciplines:

(1) Inspector.

(2) Risk assessor.

(3) Project designer.

(4) Supervisor.

(5) Worker.

(b) Upon application for initial or refresher training course reapproval, a training course provider shall pay an annual application fee of five hundred dollars ($500) for each of the following disciplines:

(1) Inspector.
(2) Risk assessor.
(3) Project designer.
(4) Supervisor.
(5) Worker.

(c) Fees paid by mail shall be paid by check or money order and shall be made payable to the lead trust fund.

(d) The application fee is not:
(1) transferable from one (1) type of discipline to another;
(2) transferable from one (1) training course provider to another;
(3) transferable to any other type of license or approval issued by the department; or
(4) refundable;
unless requested by the applicant within three (3) days of submittal to the department or prior to the processing of the application by the department, whichever is earlier. (Air Pollution Control Board; 326 IAC 23-3-12)

326 IAC 23-3-13 Representation of training course approval
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14

Sec. 13. No person shall make representation as conducting an approved initial training course or approved refresher training course for the purpose of licensing persons under 326 IAC 23-2 without prior written approval from the department under this rule. (Air Pollution Control Board; 326 IAC 23-3-13)

326 IAC 23-3-14 Compliance; enforcement
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14; IC 13-30

Sec. 14. Failure to comply with IC 13-17-14 or this rule may result in civil or criminal enforcement under IC 13-30. (Air Pollution Control Board; 326 IAC 23-3-14)

Rule 4. Work Practice Standards

326 IAC 23-4-1 Applicability

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14

Sec. 1. (a) This rule contains procedures and requirements for work practice standards for conducting lead-based paint activities. Any licensed person or company performing the following activities shall comply with the appropriate work practices as outlined in this rule:

(1) Inspection.
(2) Lead-hazard screening.
(3) Risk assessment.
(4) Abatement.

(b) A political subdivision or a state agency may not accept a bid for a lead-based activities project from a person that does not hold a lead-based paint activities license. (Air Pollution Control Board; 326 IAC 23-4-1)

326 IAC 23-4-2 Inspections

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14

Sec. 2. An inspection for lead-based paint in a child-occupied facility or target housing shall be conducted only by a person licensed by the department as an inspector or risk assessor. The inspection shall include each component with a distinct painting history except those components that the inspector or risk assessor determines through the examination of receipts for architectural proof to have been replaced after 1978 or do not contain lead-based paint.

(1) When conducting an inspection, the following locations shall be selected according to documented methodologies and tested for the presence of lead-based paint:

(A) In a residential dwelling and child-occupied facility, each component with a distinct painting history and each exterior component with a distinct painting history shall be tested for lead-based paint.
(B) In a multi-family dwelling or child-occupied facility, each component with a distinct painting history in every common area.

(2) Paint shall be sampled in either, or both, of the following ways:

(A) The analysis of paint to determine the presence of lead shall be conducted using documented methodologies that incorporate adequate quality control procedures.
(B) All collected paint chip samples shall be analyzed to determine if they contain detectable levels of lead that can be quantified numerically.

(3) The licensed inspector or risk assessor shall prepare an inspection report that shall include the following information:

(A) Date of each inspection.

(B) Address of building.

(C) Date of construction.

(D) Apartment number, when applicable.

(E) Name, address, and telephone number of the owner or owners of each residential dwelling or child-occupied facility.

(F) Name, signature, and license number of each licensed inspector or risk assessor conducting testing.

(G) Name, address, and telephone number of the firm employing each inspector or risk assessor, when applicable.

(H) Each testing method and device or sampling procedure employed for paint analysis, including quality control data and, if used, the serial number of any x-ray fluorescence device.

(I) Specific locations of each painted component tested for the presence of lead-based paint.

(J) The results of the inspection, expressed in terms appropriate to the sampling method used.

(Air Pollution Control Board; 326 IAC 23-4-2)

326 IAC 23-4-3 Lead hazard screen

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14

Sec. 3. A lead hazard screen shall be conducted only by a person licensed by the department as a risk assessor. A lead hazard screen shall be conducted as follows:

(1) 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 six (6) years of age or younger shall be collected.

(2) A visual inspection of the residential dwelling or child-occupied facility shall be conducted to:

(A) determine if any deteriorated paint is present; and

(B) locate at least two (2) dust sampling locations.

(3) If deteriorated paint is present, each surface with deteriorated paint which is determined, using documented methodologies, to be in poor condition and to have a distinct painting history, shall be tested for the presence of lead.

(4) In residential dwellings, two (2) composite dust samples shall be collected, one (1) from the floors and the other from the windows, in rooms, hallways, or stairwells where one (1) or more children, six (6) years of age or younger, are most likely to

come in contact with dust.

(5) In multi-family dwellings and child-occupied facilities, in addition to the floor and window samples required in subdivision (4), the risk assessor shall also collect at least two (2) composite dust samples from common areas where one (1) or more children, six (6) years of age or younger, are most likely to come into contact with dust.

(6) Dust samples shall be collected and analyzed in the following manner:

(A) All dust samples shall be taken using documented methodologies that incorporate adequate quality control procedures.

(B) All collected dust samples shall be analyzed to determine if they contain detectable levels of lead that can be quantified numerically.

(7) Paint shall be sampled in either, or both, of the following manners:

(A) The analysis of paint to determine the presence of lead shall be conducted using documented methodologies that incorporate adequate quality control procedures.

(B) All collected paint chip samples shall be analyzed to determine if they contain detectable levels of lead that can be quantified numerically.

(8) The risk assessor shall prepare a lead hazard screen report, which shall include the following information:

(A) Date of assessment.

(B) Address of building.

(C) Date of construction.

(D) Apartment number, if applicable.

(E) Name, address, and telephone number of each owner or owners of each residential dwelling or child-occupied facility.

(F) Name, signature, and license number of each licensed risk assessor conducting the assessment.

(G) Name, address, and telephone number of the firm employing each licensed risk assessor.

(H) Name, address, and telephone number of each recognized laboratory conducting the analysis of the collected samples.

(I) Each testing method and device or sampling procedure employed for paint analysis, including quality control data and, if used, the serial number of any x-ray fluorescence device.

(J) Specific locations of each painted component tested for the presence of lead-based paint.

(K) The results of the assessment in terms appropriate to the sampling method used.

(L) All results of laboratory analysis on collected paint, soil, and dust samples.

(M) Any background information collected.

(N) To the extent that they are used as part of the lead-based paint hazard determination, the results of any previous inspections or analyses for the presence of lead-based paint, or other assessments of lead-based paint-related hazards.

(O) A description of the location, type, and severity of lead-based paint hazards and other potential lead hazards.

(P) A description of interim controls and 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 a maintenance and monitoring schedule for the encapsulant or enclosure.

(Air Pollution Control Board; 326 IAC 23-4-3)

326 IAC 23-4-4 Risk assessment

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14

Sec. 4. A risk assessment shall be conducted only by a person licensed by the department as a risk assessor. A risk assessment shall be conducted as follows:

(1) 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 six (6) years of age or younger shall be collected.

(2) 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.

(3) Each of the following surfaces determined using documented methodologies to have a distinct painting history shall be tested for the presence of lead:

(A) deteriorated paint in poor condition;

(B) paint with a potential health hazard.

(4) In residential dwellings, 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, six (6) years of age or younger are most likely to come into contact with dust.

(5) For multi-family dwellings and child-occupied facilities, additional window and floor dust samples (either composite or single-surface samples) shall be collected in the following locations:

(A) Common areas adjacent to the sampled residential dwelling or child-occupied facility.

(B) Other common areas in the building where the risk assessor determines

that one (1) or more children, six (6) years of age or younger, are likely to come into contact with dust.

(6) For child-occupied facilities, window and floor dust samples (either composite or single-surface samples) shall be collected in:

(A) each room, hallway, or stairwell used by one (1) or more children, six (6) years of age or younger; and

(B) in other common areas in the child-occupied facility where the risk assessor determines one (1) or more children, six (6) years of age and younger, are likely to come into contact with dust.

(7) Soil samples shall be collected and analyzed for lead concentrations in the following locations:

(A) Exterior play areas where bare soil is present.

(B) Dripline or foundation areas where bare soil is present.

(8) Any paint, dust, or soil sampling or testing shall be conducted using documented methodologies that incorporate adequate quality control procedures.

(9) Any collected paint chip, dust, or soil samples shall be analyzed to determine if they contain detectable levels of lead that can be quantified numerically.

(10) The licensed risk assessor shall prepare a risk assessment report that shall include the following information:

(A) Date of assessment.

(B) Address of each building.

(C) Date of construction.

(D) Apartment number, if applicable.

(E) Name, address, and telephone number of each owner or owners of each residential dwelling or child-occupied facility.

(F) Name, signature, and license number of the licensed risk assessor conducting the assessment.

(G) Name, address, and telephone number of the firm employing each licensed risk assessor.

(H) Name, address, and telephone number of each recognized laboratory conducting analysis of the collected samples.

(I) Each testing method, device, or sampling procedure employed for paint analysis, including quality control data and, if used, the serial number of any x-ray fluorescence device.

(J) Specific locations of each painted component tested for the presence of lead-based paint.

(K) All results of laboratory analysis on collected paint, soil, and dust samples.

(L) Any background information collected.

(M) To the extent that they are used as part of the lead-based paint hazard determination, the results of any previous inspections or analyses for the

presence of lead-based paint, or other assessments of lead-based paint-related hazards.

(N) A description of the location, type, and severity of lead-based paint hazards and other potential lead hazards.

(O) A description of interim controls and 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 a maintenance and monitoring schedule for the encapsulant or enclosure.

(Air Pollution Control Board; 326 IAC 23-4-4)

326 IAC 23-4-5 Abatement procedures for all projects

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14

Sec. 5. An abatement shall be conducted only by a person licensed by the department to remove lead-based paint. An abatement shall be conducted as follows:

(1) A licensed supervisor is required for each abatement project and shall be on site and responsible for direct supervision of workers during all:

(A) work site preparation;

(B) abatement activities; and

(C) post-abatement cleanup of work areas.

Lead-based paint workers shall have access to the supervisor throughout the duration of the project.

(2) The licensed supervisor and the licensed contractor employing that supervisor shall ensure that all abatement activities are conducted according to the requirements of this section and all other federal, state, and local requirements.

(3) Notification of the commencement of lead-based paint abatement activities in target housing or child-occupied facility or as a result of a federal, state, or local order shall be given to the department prior to the commencement of abatement activities as provided in section 6 of this rule.

(4) A written occupant protection plan shall be developed for all abatement projects and shall be prepared according to the following procedures:

(A) The occupant protection plan shall be unique to each residential dwelling or child-occupied facility 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.

(B) A licensed supervisor or project designer shall prepare the occupant protection plan.

(5) The work practices shall be restricted during an abatement as follows:

(A) Open-flame burning or torching of lead-based paint is prohibited.

(B) Machine sanding or grinding or abrasive blasting or sandblasting of lead-based paint is prohibited unless used with HEPA exhaust control that removes particles of three-tenths (0.3) micron or larger from the air at ninety-nine and ninety-seven hundredths percent (99.97%) or greater efficiency.

(C) Dry scraping of lead-based paint is permitted only in conjunction with heat guns or around electrical outlets or when treating defective paint spots totaling no more than two (2) square feet in any one (1) room, hallway, or stairwell or totaling no more than twenty (20) square feet on exterior surfaces.

(D) Operating a heat gun on lead-based paint is permitted only at temperatures below one thousand one hundred (1,100) degrees Fahrenheit.

(6) If conducted, soil abatement shall be conducted in one (1) of the following ways:

(A) If soil is removed, the lead-contaminated soil shall be replaced with soil that is not lead-contaminated.

(B) If soil is not removed, the lead-contaminated soil shall be permanently covered.

(7) When sealing the work area off from the nonwork area, six (6) mil sheeting shall be used and all tears, breaks, cracks, and openings in the containment system shall be repaired as they occur.

(8) All persons entering a work area during a lead-abatement project that involves breaking or disturbing lead-painted surfaces shall wear disposable shoe covers that shall be removed upon leaving the work area and placed with abatement waste. Any persons entering a work area during lead paint removal activity, such as using a heat gun, scraping, HEPA sanding, or chemical stripping, or during replacement and during the cleanup process shall also wear appropriate respirator protection in accordance with all OSHA requirements found at 29 CFR 1910.134*. In every abatement activity that results in the disturbance of lead-based paint, polyethylene plastic sheeting shall always be placed directly below the work area.

(9) A supervisor shall post warning signs at all entrances and exits to work area. The warning signs posted shall read "Caution Lead Hazard-Do Not Enter Work Area Unless Authorized".

(10) Access of nonworkers to abatement work areas shall be limited. The abatement work crew supervisor is responsible for enforcing this limited access. Only the persons informed by the supervisor of potential lead hazards and who have a direct relationship to the project may enter the work area.

(11) Heat guns shall not be operated in excess of one thousand one hundred (1,100) degrees Fahrenheit.

(12) Any surfaces that have been stripped with caustic chemicals or that have come into contact with caustic or solvent-based liquid waste shall be cleaned by wet

washing until there is no visible residue.

(13) Work areas shall be restricted by barrier tape.

(14) A thorough cleanup of the entire area under active abatement shall occur daily during the entire interior and exterior abatement process. This daily cleanup shall consist of the following:

(A) HEPA vacuum all surfaces and place debris into labeled six (6) mil polyethylene sheets.

(B) Lead-contaminated waste shall be stored in an area inside the property line designated and posted as a lead waste storage area, and covered with six (6) mil polyethylene sheeting. Lead-contaminated waste shall be stored outside.

(C) Small debris shall be swept up using a HEPA vacuum and bagged in a six (6) mil polyethylene or double four (4) mil bags and stored in a designated secure area.

(D) Consumable and disposable supplies such as mop heads, plastic sheeting, sponges, and rags shall be treated as contaminated debris.

(Air Pollution Control Board; 326 IAC 23-4-5)

326 IAC 23-4-6 Lead abatement notification procedures

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14

Sec. 6. (a) Each owner or operator of a lead abatement activity site to whom this rule applies shall do the following:

(1) Provide the department with written notice of intention to conduct an activity on a form to be provided by the department and update such notice as necessary, including, but not limited to, the following:

(A) The project start date.

(B) The activity contractor.

(C) An indication of whether the notice is the original, a revised copy, or a canceled copy.

(D) Name, address, and telephone number of both the facility owner and operator and the lead abatement contractor owner or operator.

(2) Postmark or hand deliver the notice as follows:

(A) At least two (2) working days before an activity including:

(i) abatement;

(ii) repair;

(iii) removal;

(iv) encapsulation;

(v) storage;

(vi) stripping;

(vii) dislodging;

(viii) cutting;
(ix) drilling;

that results in the disturbance of lead-based paint.

(B) If the activity is an emergency abatement operation, notice shall be given as early as possible but not later than the following working day after the activity is started.

(C) Delivery of the notice by the United States postal service, facsimile, commercial delivery service, or hand delivery is acceptable. If the notice is being updated, a copy of the previous notification being updated shall be attached to the new, revised notification.

(D) Include any of the following types of operations in the notification:

(i) Wet or dry stripping.
(ii) Encapsulation.
(iii) Enclosure.
(iv) Emergency abatement.
(v) Soil removal.
(vi) Interior abatement.
(vii) Exterior abatement.

(E) Description of the facility or affected part of the facility, including the following:

(i) Size in square feet.
(ii) Number of floors.
(iii) Age.
(iv) Present and prior use of the facility.

(F) Procedure, including analytical methods, employed to detect the presence and amount of lead-based paint.

(G) An estimate the approximate amount of lead-based paint to be removed in the facility in terms of linear feet or square feet on facility components.

(H) Location and street address, including:

(i) building number, building name, and floor or room number location, if available;
(ii) city;
(iii) county; and
(iv) state;

where the activity is to take place.

(I) Scheduled starting abatement removal date and completion dates as indicated by the posting and removal of lead-based paint hazard demarcations in the work area.

(J) Description of planned activity work to be performed and methods to be employed, including techniques to be used and a description of the affected facility components.

(K) Description of work practices and engineering controls to be used to comply with this rule, including lead removal and waste handling emission control procedures.
(L) Description of procedures to be followed in the event that unexpected lead-based paint becomes a lead-based paint hazard and warrants immediate action.
(M) Name and location of the waste disposal site where lead containing waste material will be deposited.
(N) A signed certification from the owner or operator that the information provided in this notification is correct and that only Indiana licensed workers and project supervisors will be used to implement lead abatement activity.
(O) For lead-based paint activities, the name, address, telephone number, and license number issued to the following:
(i) The person who inspected the facility for lead-based paint.
(ii) The person who will conduct risk assessment lead abatement activities.
(P) For emergency lead abatement activities, the date and hour that the emergency occurred, including a description and an explanation of how the event causes a lead-based paint hazard and warrants immediate action.
(Q) Name, address, and telephone number of the waste transporter.
(3) When the lead abatement activity will begin:
(A) on a date after the date specified in the original or the most recent revised notification, provide written notice of the new stripping or removal start date to the department postmarked at least two (2) working days or delivered at least one (1) working day before the start date of the lead abatement activity specified in the notification that is being updated; or
(B) on a date earlier than the date specified in the original or the most recent revised notification, provide written notice of the new activity start date to the department postmarked or delivered at least two (2) working days before the start date of the lead abatement activity begins.

(b) In no event shall lead abatement activities begin on a date other than the date contained in the most recent written notification.
(Air Pollution Control Board; 326 IAC 23-4-6)

326 IAC 23-4-7 Lead abatement procedures; interior
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14

Sec. 7. Interior abatement shall include the following procedures:
(1) Post warning signs at entrances and exits to work area and the sign shall read

"Caution Lead Hazard-Do Not Enter Work Area Unless Authorized".
(2) The department strongly recommends that wall-to-wall carpeting be removed. However, if left in place, it shall be covered with at least two (2) sheets of six (6) mil polyethylene sheeting, secured to the wall or baseboard with masking tape to ensure no contamination by lead dust or other lead-contaminated materials.
(3) Nonmovable objects remaining in the work area shall be wrapped with six (6) mil polyethylene sheeting and sealed with tape.
(4) After all moveable objects have been removed from the work area, the area shall be sealed from nonwork areas.
(5) After sealing off the work area, floors shall be covered with at least two (2) layers of six (6) mil polyethylene sheeting.
(6) Forced-air heating and air conditioning systems shall be shut down and all air intake and exhaust points of these systems shall be sealed.
(7) If a common area is an abatement work area, and there are no alternative entrances and egresses that are located outside of the work area, a protected passage through the common area shall be erected.
(8) If a safe passage cannot be created and alternative entrances and exits do not exist, then abatement in common areas shall be conducted between established and posted hours and the work area shall be cleaned with a HEPA vacuum at the end of each working day until all surfaces are free of all visible dust and debris.
(Air Pollution Control Board; 326 IAC 23-4-7)

326 IAC 23-4-8 Lead abatement procedures; exterior
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14

Sec. 8. Exterior abatement shall include the following procedures:
(1) Uncontained water blasting and uncontained abrasive blasting methods of abatement shall not be used.
(2) Before beginning to abate lead paint using wet methods on exterior work areas, the following site preparation procedures shall be used:
(A) Place polyethylene plastic sheeting six (6) mils thick as close to the building foundation as possible.
(B) Extend the edge of the sheets a sufficient distance to contain the run-off and raise the outside edge of the sheets such as with boards, to trap liquid waste.
(C) Have available appropriate containers to hold liquid waste for later transfer and disposal.
(D) Where seams occur, they shall be sealed with tape and edges shall be raised and a new section of plastic sheeting and framing shall be added as needed.
(E) Liquid waste can be pumped, vacuumed, or bailed for transfer to

disposal facility.

(3) Before beginning to abate lead paint using dry methods on exterior work areas, the following site preparation procedures shall be used:

(A) Place polyethylene plastic sheeting six (6) mils thick as close to the building foundation as possible.

(B) Extend the sheeting out from the foundation a minimum of five (5) feet and an additional three (3) feet per floor before being abated.

(C) Weight the sheeting at the foundation and along edges and seams.

(D) Erect vertical shrouds if constant wind speed exceeds fifteen (15) miles per hour or there is visible movement of debris beyond the ground sheeting.

(Air Pollution Control Board; 326 IAC 23-4-8)

326 IAC 23-4-9 Post-abatement clearance procedures

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14

Sec. 9. The following post-abatement final visual clearance procedures shall be performed only by a licensed inspector or risk assessor:

(1) Following an abatement and prior to removal of warning signs or other demarcation, a visual inspection shall be completed by an Indiana licensed inspector or risk assessor to determine if deteriorated, painted surfaces or visible amounts of dust, debris, or residue are still present.

(2) If deteriorated painted surfaces or visible amounts of dust debris or residue are present, they must be wet wiped or HEPA vacuumed until such conditions are eliminated prior to the continuation of the clearance procedures.

(3) Following the visual inspection and any post-abatement cleanup required in this rule, clearance sampling for lead-contaminated dust shall be conducted by employing single-surface sampling or composite sampling techniques.

(4) Dust samples on surfaces for clearance purposes shall be taken using documented methodologies that incorporate adequate quality control procedures.

(5) Dust samples for clearance purposes shall be taken within a minimum of one (1) hour after completion of final post-abatement clean-up activities.

(6) The following post-abatement clearance activities shall be conducted as appropriate based upon the extent or manner of abatement activities conducted in or to the target housing or child-occupied facility:

(A) After conducting an abatement with containment between abated and unabated areas:

(i) one (1) dust sample shall be taken from one (1) window, if available;

(ii) one (1) dust sample shall be taken from the floor of no less than four (4) rooms, hallways, or stairwells within the containment area; and

(iii) one (1) dust sample shall be taken from the floor outside the containment area.

If there are fewer than four (4) rooms, hallways, or stairwells within the containment area, then all rooms, hallways, or stairwells shall be sampled.

(B) After conducting an abatement with no containment:

(i) two (2) dust samples shall be taken from no fewer than four (4) rooms, hallways, or stairwells in the target housing or child-occupied facility;

(ii) one (1) dust sample shall be taken from one (1) window, if available; and

(iii) one (1) dust sample shall be taken from the floor of each room, hallway or stairwell selected.

If there are fewer than four (4) rooms, hallways, or stairwells within the residential dwelling or child-occupied facility, then all rooms, hallways or stairwells shall be sampled.

(C) Following an exterior paint abatement, a visible inspection shall be conducted as follows:

(i) All horizontal surfaces in the outdoor living area closest to the abated surface shall be found to be clean of visible dust and debris.

(ii) A visual inspection shall be conducted to determine the presence of paint chips on the dripline or next to the foundation below any exterior surface abated.

(iii) If paint chips are present, they shall 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 the laboratory analysis, from each dust sample with applicable clearance levels for lead in dust on floors and windows. If the residual lead levels in a dust sample exceed the clearance levels, all the components represented by the failed sample shall be recleaned and retested until clearance levels are met.

(Air Pollution Control Board; 326 IAC 23-4-9)

326 IAC 23-4-10 Lead-based paint sampling procedures

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14

Sec. 10. Clearance sampling under section 9 of this rule shall be conducted as follows:

(1) The licensed individuals who abate or clean the dwellings do not know which

dwelling will be selected for the random sample.
(2) A sufficient number of dwellings are selected for dust sampling to provide a ninety-five percent (95%) level of confidence that no more than five percent (5%) or fifty (50) of the dwellings, whichever is smaller, in the randomly sampled population exceed the appropriate clearance levels.
(3) The randomly selected dwellings shall be sampled and evaluated for clearance according to the procedures found in this section.
(4) An abatement report shall be prepared by a licensed 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 licensed contractor conducting the abatement and the name of each supervisor assigned to the abatement project.
(C) The occupant protection plan.
(D) The name, address, and signature of each licensed 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, and the name of each recognized laboratory that conducted the analyses.
(F) A detailed written description of the abatement, including abatement methods used, locations of rooms and components where abatement occurred, reason for selecting particular abatement methods for each component, and any suggested monitoring of encapsulants or enclosures.
(Air Pollution Control Board; 326 IAC 23-4-10)

326 IAC 23-4-11 Lead-based paint abatement disposal procedures
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14

Sec. 11. The following procedures shall be followed when disposing of lead-based paint waste:
(1) All lead-based paint waste left at a facility or stored elsewhere prior to disposal, shall be securely stored in a manner that restricts access by unauthorized persons to the material.
(2) The material shall be stored in locked containers, rooms, trucks, or trailers.
(3) Lead hazard warning signs or labels shall be prominently displayed on the door of the locked containers, rooms, trucks, or other security measures shall be employed, including the use of barriers, barrier tape, or other measures approved by the department.
(4) Lead warning labels shall be posted in all areas where lead is stored.
(5) All waste shall be transported in accordance with United States Department of Transportation requirements and disposed of in accordance with 329 IAC 2-21, 329 IAC 3.1-6-1, and 329 IAC 10-8.1.

(Air Pollution Control Board; 326 IAC 23-4-11)

326 IAC 23-4-12 Analysis of samples
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14

Sec. 12. (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 licensed by the department as an inspector or risk assessor; and

(2) analyzed by a laboratory recognized by the U.S. EPA pursuant to the TSCA, Section 405(b) U.S.C. 2685(b)* as being capable of performing analyses for lead compounds in paint chip, dust, and soil samples.

(b) The following conditions shall apply when composite dust sampling is conducted:

(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.

(3) Composite dust samples shall not consist of subsamples from more than one (1) type of component.

***Copies of the Toxic Substances Control Act (TSCA) may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections are also available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204.**
(Air Pollution Control Board; 326 IAC 23-4-12)

326 IAC 23-4-13 Record keeping
Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14

Sec. 13. (a) All reports or plans required in this rule shall be completed no later than sixty (60) days from the completion of the abatement project.

(b) All reports and plans shall be maintained for no fewer than three (3) years by the licensed person or contractor who prepared the report.

(c) The licensed person or contractor shall provide copies of these reports to the building owner who contracted for services no later than sixty (60) days from the completion of the abatement project.

(d) The licensed person or contractor shall make reports available to the department upon request.

(e) A lead-based paint activities contractor licensed under this rule shall compile records concerning each lead-based paint activities project performed by the lead-based paint activities contractor. The records shall include the following information on each lead-based paint activities project:

(1) The name, address, and proof of license of:

(A) the person who supervised the lead-based paint activities project for the lead-based paint activities contractor; and

(B) each employee or agent of the lead-based paint activities contractor that worked on the project.

(2) The name, address, and signature of each certified risk assessor or inspector conducting clearance sampling and the date of clearance testing.

(3) The site of the lead-based paint activities project.

(4) A description of the lead-based paint activities project.

(5) The date on which the lead-based paint activities project was started and the date on which the lead-based paint activities project was completed.

(6) A summary of procedures that were used in the project to comply with applicable federal, state, and local standards for lead-based paint activities projects.

(7) A detailed written description of the lead-based paint activities, including methods used, locations of rooms or components where lead-based paint activities occurred, reasons for selecting particular lead-based paint activities methods for each component, and any suggested monitoring of encapsulants or enclosures.

(8) The occupant protection plan.

(9) The results of clearance testing and all soil analysis and the name of each federally-approved laboratory that conducted the analysis.

(10) The amount of material containing lead-based paint that was removed from the site of the project.

(11) The name and address of each disposal site used for the disposal of lead-based paint containing material that was disposed of as a result of the lead-based paint activities project.

(f) A copy of each receipt issued by a disposal site must be included in the records. (Air Pollution Control Board; 326 IAC 23-4-13)

326 IAC 23-4-14 Compliance; enforcement

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 13-30

Sec. 14. Failure to comply with IC 13-17-14 or this rule may result in civil or

criminal enforcement under IC 13-30. (Air Pollution Control Board; 326 IAC 23-4-14)

326 IAC 23-4-15 Filing of notification; fee

Authority: IC 13-17-14-5
Affected: IC 13-11; IC 13-17-14

Sec. 15. (a) An owner or operator of a facility where a lead-based paint activity will occur shall pay a fee of fifty dollars ($50) for each project for which a notification is required.

(b) An owner or operator who submits quarterly notifications shall be notified in writing by the department of the amount of fees due. The amount owed will be determined by the number of notifications submitted to the department in the previous quarter. Fees shall be paid:

(1) by person or by mail;
(2) by check or money order payable to the lead trust fund, Indiana department of environmental management;
(3) no later than thirty (30) days from receipt of billing; and
(4) addressed to "Indiana Department of Environmental Management, 100 North Senate Avenue, Indiana Government Center-North, P.O. Box 7060, Indianapolis, Indiana 46206-7060.

(Air Pollution Control Board; 326 IAC 23-4-15)