

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION

NOTICE OF PUBLIC HEARING AND PROPOSED AMENDMENTS TO GEORGIA'S
RULES FOR
LEAD-BASED PAINT ABATEMENT, CERTIFICATION AND ACCREDITATION
CHAPTER 391-3-24

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that, pursuant to the authority set forth below, the Environmental Protection Division (hereinafter, "EPD") of the Georgia Department of Natural Resources proposes amendments to the Georgia Rules for "**Lead-Based Paint Abatement, Certification, and Accreditation**", Chapter 391-3-24 (hereinafter, "the proposed Rule amendments"). The Director of EPD certifies that amendment of Rules 391-3-24-.01, 391-3-24-.02, 391-3-24-.03, 391-3-24-.04, 391-3-24-.08, 391-3-24-.09, 391-3-24-.10, and 391-3-24-.11 is required to comply with 40 Code of Federal Regulations (CFR) Part 745, Subpart E – Residential Property Renovation (40 CFR §745.80 – 745.92) and Subpart L – Lead-Based Paint Activities (40 CFR §745.220 – 745.239). Some revisions are also being proposed to the existing lead-based paint abatement Rules (Rules 391-3-24-.05 and 391-3-24-.06).

The proposed Rule amendments are described below:

Chapter 391-3-24 – “Lead-Based Paint Abatement, Certification and Accreditation.” the title of this chapter is amended to read "Lead-Based Paint Hazard Management" to reflect the broader scope of regulatory responsibilities resulting from the addition of the federal renovation rule requirements.

Rule 391-3-24-.01, “Scope and Applicability,” is amended to include federal lead-based paint renovation requirements and to make housekeeping changes to the Rule.

Rule 391-3-24-.02, “Enforcement,” is amended to include lead-based paint renovation activities.

Rule 391-3-24-.03, “Definitions,” is amended to add new definitions for adoption of the new federal renovation rules and to add new and revised lead-based paint abatement definitions to the existing Rule.

Rule 391-3-24-.04, “Accreditation of Training Programs for Target Housing and Child-Occupied Facilities,” is amended by revising the Rule title to read "Accreditation of Training Programs," and by adding the new federal renovation requirements for training providers, revising administrative procedures, and correcting typographical errors.

Rule 391-3-24-.05, “Certification Requirements and Application Procedures for Persons and Firms,” is amended by changing the Rule title to "Certification of Persons and Firms Conducting Lead-Based Paint Activities" to clarify that the rule only applies to lead-based paint abatement activities. This amendment also revises specific certification, application, and administrative requirements and corrects typographical errors.

Rule 391-3-24-.06, “Standards for Conducting Lead-Based Paint Activities for Target Housing and Child-Occupied Facilities,” is amended by simplifying the Rule title to “Standards for Conducting Lead-Based Paint Activities,” clarifying the standards for conducting lead-based paint abatement activities, updating administrative procedures, and correcting typographical and grammatical errors.

Rule 391-3-24-.08, “Information Distribution Requirements Before Conducting Renovation Activities,” is a new Rule adding the federal renovation requirements for persons conducting renovation activities to notify and distribute pamphlets to owners or occupants. Subparagraph (3)(b) is revised to clarify that if the owner of the child-occupied facility is not the manager of the building then the pamphlet should be provided to the manager or management representative.

Rule 391-3-24-.09, “Certifications of Persons and Firms Conducting Renovation Activities,” is a new Rule adding federal requirements for certification of renovation firms, renovators, and dust sampling technicians. This proposed Rule recognizes the certifications issued by EPA prior to Division authorization and sets state fees and certification procedures.

Rule 391-3-24-.10, “Standards for Conducting Renovation Activities” is a new Rule that adds federal standards for conducting renovation activities. The Division revised the federal requirements in paragraph (3) by replacing the word “remove” with “disturb” to reflect actual work practices; and in paragraph 4, which adds the cleaning of “window troughs.”

Rule 391-3-24-.11, “Recordkeeping and Reporting Requirements for Renovation Activities,” is a new Rule that adds the federal recordkeeping and reporting requirements for renovation activities; adds appropriate cross references; and clarifies the federal language in paragraph (2)(b).

Rule 391-3-24-.12 – Lead-Based Paint Hazard Management Program Fees is a new Division Rule summarizing the fees contained in this chapter.

This notice, together with an exact copy of the proposed Rule amendments, a synopsis, and a statement of rationale of the rule revisions, is being provided to all persons who have requested in writing that they be placed on a notification list. These documents may be viewed at <http://www.gaepd.org/envirnet/> or during normal business hours of 8:00 a.m. to 4:30 p.m. at the Georgia Environmental Protection Division, Land Protection Branch, Lead-Based Paint and Asbestos Program, 4244 International Parkway, Suite 104, Atlanta, Georgia, 30354. Copies may also be requested by contacting the Land Protection Branch, Lead-Based Paint and Asbestos Program at (404) 363-7026 or the Environmental Protection Division Director’s Office at 1-888-373-5947.

To provide the public an opportunity to comment upon and provide input into the proposed Rule, a public hearing will be held on September 14 2010 at the following location:

September 14, 2010 (2:00 pm – 3:00 pm); Department of Natural Resources; Tradeport Training Room; 4220 International Parkway, Suite 116, Atlanta, Georgia 30354.

At the public hearing, anyone may present data, make a statement, comment or offer a viewpoint or argument either orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted in writing for the official record. Oral statements should be concise.

Written comments are welcomed. In order to be included in EPD's summary to the Board of Natural Resources, written comments should be received by close of business (4:30 p.m.) on September 27, 2010. Written comments may be emailed to EPDComments@dnr.state.ga.us or sent via regular mail addressed to Branch Chief, Land Protection Branch, 4244 International Parkway, Suite 104, Atlanta, Georgia 30354. If you choose to email your comments, please be sure to include the words "Lead Renovation Rules" somewhere in the subject line to help ensure that your comments will be forwarded to the correct staff.

The Rule amendments will be considered for adoption by the Board of Natural Resources at its meeting at 9:00 a.m. on October 27, 2010 at the Holiday Inn Express, 199 East Bay Street, Savannah, Georgia 31401. The meeting is open to the public.

The proposed Rule amendment is proposed for adoption pursuant to authority contained in the Georgia Lead Poisoning Prevention Act (O.C.G.A. § 31-41-1, et seq.).

For further information, please contact Land Protection Branch, Lead-Based Paint and Asbestos Program at (404) 363-7026.