UTAH AIR QUALITY BOARD MEETING
FINAL AGENDA

Wednesday, September 1, 2021 - 1:30 p.m.
195 North 1950 West, Room 1015
Salt Lake City, Utah 84116

Board members may be participating electronically. Interested persons can participate telephonically by dialing 1-573-401-1310 using access code: 313-230-302#, or via the Internet at meeting link: https://meet.google.com/pub-nmhw-emj

I. Call-to-Order

II. Date of the Next Air Quality Board Meeting: November 3, 2021

III. Approval of the Minutes for the August 4, 2021, Board Meeting.

IV. Propose for Final Adoption: Amend R307-840. Lead-Based Paint Program Purpose, Applicability, and Definitions; R307-841. Residential Property and Child-Occupied Facility Renovation; and R307-842. Lead-Based Paint Activities. Presented by Mat Carlile.


VII. Informational Items.
   A. Air Toxics. Presented by Leonard Wright.
   B. Compliance. Presented by Harold Burge and Rik Ombach.
   C. Monitoring. Presented by Cristina Jaramillo.
   D. Other Items to be Brought Before the Board.
   E. Board Meeting Follow-up Items.

In compliance with the Americans with Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Larene Wyss, Office of Human Resources at (801) 536-4281, TDD (801) 536-4284 or by email at lwyss@utah.gov.
ITEM 3
I. Call-to-Order

Randal Martin called the meeting to order at 1:33 p.m.

Board members present: Randal Martin, Michelle Bujdoso, Kevin Cromar, Cassady Kristensen (attended electronically), Arnold Reitze (attended electronically), Kimberly Shelley (attended electronically)

Excused: Erin Mendenhall, John Rasband, William Stringer

Executive Secretary: Bryce Bird

II. Annual Election of Chair and Vice-Chair

Mr. Bird opened nominations for Chair of the Air Quality Board.

- Kevin Cromar nominates Randal Martin for Chair of the Air Quality Board. Arnold Reitze seconds and motioned to close nominations. The motion to approve Randal Martin as Chair of the Air Quality Board was unanimously approved.

Mr. Martin opened nominations for Vice-Chair of the Air Quality Board.

- Michelle Bujdoso nominates Cassady Kristensen for Vice-Chair of the Air Quality Board. Kevin Cromar seconds and motioned to close nominations. The motion to approve Cassady Kristensen as Vice-Chair of the Air Quality Board was unanimously approved.

III. Date of the Next Air Quality Board Meeting: September 1, 2021

IV. Approval of the Minutes for June 2, 2021, Board Meeting.

- Michelle Bujdoso motioned to approve the minutes as modified with the edits submitted by Arnold Reitze. Kevin Cromar seconded. The Board approved unanimously.

Mat Carlile, Acting Rules Coordinator at DAQ, stated that the Utah Administrative Rulemaking Act requires each agency to review and justify each of its rules within five years of a rule’s original effective date or within five years of the filing of the last five-year review. The review process is not a time to revise or amend the rules, but only to verify that the rule is still necessary and allowed under state and federal statute. As part of this process, DAQ is required to identify any comments received during and since the last five-year review of each rule. This process is not the time to revisit those comments or to respond to them. DAQ has completed a five-year review for R307-124. The result of this review is found in the Five-Year Notice of Review and Statement of Continuation form. Staff recommends that the Board continue R307-124 by approving the form to be filed with the Office of Administrative Rules.

- Arnold Reitze motioned that the Board continue R307-124 by approving the form. Cassady Kristensen seconded. The Board approved unanimously.

VI. Informational Items.


Steve Packham, Environmental Scientist at DAQ, responded to questions from the September 2020 Board meeting regarding R307-150. Mr. Packham stated that the 2003 version of the American Conference of Governmental Industrial Hygienists (ACGIH) manual edition listed in the rule would be updated at a future Board meeting with the latest values in the latest ACGIH manual.

In response to question of, why are the exempted five listed hazardous air pollutants (HAPs) separated out as opposed to just being captured in subparagraph 2, Mr. Packham responded that in subsection R307-150-7(1), arsenic, benzene, beryllium, ethylene oxide, and formaldehyde are separated out because of the high frequency of detection of these HAPs in the ambient air and their potential cancer risk. All values in table 1 were derived using dispersion modeling to result in HAPs-specific ambient air concentrations below protective screening values set forth in EPA’s 2006 risk screening guidance document. He also noted that R307-150 deals with emissions inventories and not with emissions themselves.

In response to the question of, where did the multiplication factors for the different grouping compounds come from, Mr. Packham responded that the multiplication factors for carcinogenic, chronic, and acute HAPs in subsection R307-150-7(2)(b), (c), and (d), are based on dispersion modeling and a margin of safety principle. Emission inventories are used to provide the state with a means of tracking general increases in emissions over years and decades and information to be included in operating permits applications. The lower reporting thresholds allows for a more refined inventory and improved tracking of carcinogenic, chronic, and acute HAPs.

In response to the question if he had any improvements to rule, Mr. Packham responded that he had no particular comments with regard to the adequacy of the rule and that he still finds that the limits are sufficient and protective of the public.
B. Division of Air Quality Environmental Justice, Grant, and Incentive Program Updates and Discussion. Presented by Air Quality Policy Section Staff.

Becky Close, Air Quality Policy Section Manager at DAQ, spoke about Environmental Justice (EJ) and how DAQ incorporates some EJ practices into its programs. Ms. Close defined EJ using the EPA’s definition of, “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations, and policies.” The DEQ or DAQ currently do not have a specific point person for EJ. There is a lot of information coming out from a national level and that DAQ is trying to decide where to go with all the information. Ms. Close showed examples of ways the DAQ is incorporating mapping and screening tools for grant applications and for community outreach and engagement and explained that policy staff would explain further the individual grant programs.

Mr. Cromar added that the EPA’s definition of EJ is good, but that there is also value in having a working operational definition that works for the DEQ and DAQ. Meaningful involvement is so critical, as well as continuing the effort to identifying and mitigating hot spot areas.

Courtney Ehrlich, Environmental Planning Consultant at DAQ, gave an update on the seasonal yard equipment exchanges within the Clean Air Retrofit, Replacement, and Off-Road Technology (CARROT) program. DAQ began the seasonal equipment exchanges in 2015 and has established partnerships across the five counties in the ozone nonattainment areas. The 2021 lawn mower exchange was an online process and was the largest exchange participation to date with 2,190 rebates issued. In addition, some households in Salt Lake City who received government assistance qualified for a free electric Kobalt lawn mower with registration. DAQ is looking into the development of an app to streamline and modernize the process. By moving the equipment exchanges to an online process the DAQ will have the capability to better target specific areas of the valley and to reach a larger audience than that of an in-person exchange.

Joel Karmazyn, Environmental Scientist at DAQ, gave an update on the Woodstove and Fireplace Conversion Assistance grant programs. DAQ initially applied for and received three EPA targeted airshed grants in 2017 each at $3.2 million. A few years later the Utah Legislature provided funding under House Bill 357 of $9 million. Each of these grants have EJ requirements in them. First, giving preference to homeowners by issuing them higher financial incentives if their household income is below the Federally defined poverty levels. Second, that lower income geographical areas are targeted. DAQ also follows the requirements in its marketing and outreach.

Mr. Cromar asked if DAQ has ever had a program where the household is not just low income, but that the household is low income and is in an area with higher pollution levels than the rest of the airshed. Mr. Karmazyn responded that yes, and that not only does DAQ look at the air quality from the targeted area monitoring stations but that DAQ works with various organizations in areas that DAQ feels are underserved to try and get participation from targeted households.

Mat Carlile, Environmental Planning Consultant at DAQ, gave brief updates and highlights on the Volkswagen Electric Vehicle Supply Equipment (EVSE) program and the Workplace EVSE funding assistance program which provided level 2 and fast electric vehicle chargers throughout the state. Mr. Carlile also gave an update on the vehicle repair and replacement assistance (VRRA) program. The program was funded through two targeted airshed grants for the Cache and Salt Lake county areas. The VRRA program provided funding assistance to individuals depending upon household income, household size, and whether the vehicle was going to be repaired or replaced.
Ms. Bujdoso asked that when a vehicle is replaced, how does DAQ ensure that the vehicle is permanently retired? Mr. Carlile then explained the recycler’s process of providing documentation of permanently retiring vehicles and that any payment would be considered program income which would go back into the health department’s VRRA program.

Lisa Burr, Environmental Planning Consultant at DAQ, gave brief updates and highlights of the Heavy-Duty Vehicle grant programs. The Utah Clean Diesel program is funded by the EPA’s Diesel Emissions Reduction Act and provides incentives for public and private fleet owners to reduce diesel emissions. The DEQ was selected by Governor Herbert as the lead agency for the trust from the Volkswagen settlement. The DEQ went through a stakeholder and public comment process to determine how the state would allocate the settlement. Projects were prioritized by their NOx emissions reductions and cost-of-ton of NOx reduced, their location in proximity to areas that bear a disproportionate amount of the air pollution burden, and benefits to the community. And finally, the targeted airshed grants provided incentives for diesel school bus and heavy-duty truck replacement projects.

C. Air Toxics. Presented by Leonard Wright.

D. Compliance. Presented by Harold Burge and Rik Ombach.

E. Monitoring. Presented by John Coombs.

John Coombs, Environmental Scientist at DAQ, updated the Board on monitoring data noting that during two different PM_{2.5} exceedances in July Utah had a high influx of wildfire smoke coming from Northern California and Oregon. For ozone there were 30 exceedances in June and about 100 exceedances in July, most of these were within the Wasatch Front. Monitoring staff will collect the necessary data for any potential claim of whether or not to file an exceptional event exemption for values over the standard.

The Board made suggestions that the colored scales on the new 1-hour and 8-hour ozone heat maps be the same for all of the sites, and to possibly follow the color scheme of the AQI, which would make them easier to read.

F. Other Items to be Brought Before the Board.

G. Board Meeting Follow-up Items.

Meeting adjourned at 3:01 p.m.
MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Leonard Wright, Air Toxics Lead-Based Paint and Asbestos Section Manager, and Wade Hess, Environmental Scientist

DATE: August 18, 2021

SUBJECT: FINAL ADOPTION: Amend R307-840, Lead-Based Paint Program Purpose, Applicability, and Definitions; R307-841, Residential Property and Child-Occupied Facility Renovation; and R307-842, Lead-Based Paint Activities.

On June 2, 2021, the Board approved for public comment amendments to R307-840, Lead-Based Paint Program Purpose, Applicability, and Definitions, R307-841, Residential Property and Child-Occupied Facility Renovation, and R307-842, Lead-Based Paint Activities, that incorporate changes with federal dust-lead hazard standards1 (DLHS) and dust-lead clearance levels2 (DLCL) and allow the State of Utah Lead-Based Paint Program to maintain Environmental Protection Agency (EPA) delegation. These changes are mandated by the EPA and require certified lead firms to implement stricter cleaning practices with the intention to decrease the likelihood of childhood lead exposure. EPA requires states to meet all requirements imposed by the changes to the DLHS and DLCL no later than two years after the effective date of those changes3.

Beyond the changes required by the EPA, Lead-Based Paint Program staff recognized the need to add language to the rules concerning lead-based paint abatement work practices, on-site worker training, and training course structure. Previous language lacked specificity regarding containment of the work area, waste storage and disposal, and occupant safety during a lead-based paint abatement. Previously vague language relating to on-site training and training course structure was also amended to provide more detail.

1 Effective January 6, 2020, the EPA lowered the DLHS from 40 μg/ft² to 10 μg/ft² for floors, and from 250 μg/ft² to 100 μg/ft² for window sills. (84 Fed. Reg. 32,632 (July 9, 2019))

2 Effective March 8, 2021, the EPA also lowered the DLCL from 40 µg/ft² and 250 µg/ft² to 10 µg/ft² and 100 µg/ft² on floors and window sills, respectively. (86 Fed Reg. 983 (January 7, 2021))

3 40 CFR §745.325.e.1
These amendments offer increased guidance, but will not change current practices of the Lead-Based Paint Program or regulated community.

The public comment period was held from July 1, 2021, to August 3, 2021. A public hearing was not requested and no comments were received during the public comment period.

Recommendation: Staff recommends that the Board adopt R307-840, R307-841, and R307-842 as proposed.

R307-840. Lead-Based Paint Program Purpose, Applicability, and Definitions.

R307-840-1. Purpose and Applicability.

(1) Rule R307-840, R307-841, and R307-842 establish procedures and requirements for the accreditation of training programs for lead-based paint activities and renovations, procedures and requirements for the certification of individuals and firms engaged in lead-based paint activities and renovations, and work practice standards for performing such activities. These rules also require that, except as outlined in R307-840-1(2), all lead-based paint activities and renovations, as defined in these rules, must be performed by certified individuals and firms.

(2) R307-840, R307-841, and R307-842 apply to all individuals and firms who are engaged in lead-based paint activities and renovations as defined in R307-840-2, except persons who perform these activities within residential dwellings that they own, unless the residential dwelling is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being performed, or a child residing in the building has been identified as having an elevated blood lead level.

(3) R307-840, R307-841, and R307-842 identify lead-based paint hazards. The standards for lead-based paint hazards apply to target housing and child-occupied facilities.

(4) R307-840, R307-841, and R307-842 do not require the owner of the property or properties subject to these rules to evaluate the property or properties for the presence of lead-based paint hazards or take any action to control these conditions if one or more of them is identified.

(5) While R307-840, R307-841, and R307-842 establish specific requirements for performing lead-based paint activities and renovations should they be undertaken, these rules do not require that the owner or occupant undertake any particular lead-based paint activity or renovation.

(6) Individuals or firms wishing to deviate from the certification, notification, work practice, or other requirements of R307-840, R307-841, and/or R307-842 may do so only after requesting and obtaining written approval from the director.


The following definitions apply to R307-840, R307-841, and R307-842, in addition to the definitions found in R307-101-2.

"Abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards. Abatement includes, but is not limited to:
(1) The removal of paint and dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of painted surfaces or fixtures, or the removal or permanent covering of soil, when lead-based paint hazards are present in such paint, dust, or soil; and

(2) All preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures.

(3) Specifically, abatement includes, but is not limited to:

(a) Projects for which there is a written contract or other documentation, which provides that an individual or firm will be conducting activities in or to a residential dwelling or child-occupied facility that:

   (i) Shall result in the permanent elimination of lead-based paint hazards; or

   (ii) Are designed to permanently eliminate lead-based paint hazards and are described in paragraphs (1) and (2) of this definition.

(b) Projects resulting in the permanent elimination of lead-based paint hazards, conducted by firms or individuals certified in accordance with R307-842-2, unless such projects are covered by paragraph (4) of this definition;

(c) Projects resulting in the permanent elimination of lead-based paint hazards, conducted by firms or individuals who, through their 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 such projects are covered by paragraph (4) of this definition; or

(d) Projects resulting in the permanent elimination of lead-based paint hazards that are conducted in response to State of Utah or local abatement orders.

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

"Accredited Training Program" means a training program that has been accredited by the director pursuant to R307-842-1 to provide training for individuals engaged in lead-based paint activities.

"Adequate Quality Control" means a plan or design which ensures the authenticity, integrity, and accuracy of samples, including dust, soil, and paint chip or paint film samples. Adequate quality control also includes provisions for representative sampling.
"Arithmetic Mean" means the algebraic sum of data values divided by the number of data values (e.g., the sum of the concentration of lead in several soil samples divided by the number of samples).

"Business Day" means Monday through Friday with the exception of federal and State of Utah holidays.

"Certificate of Mailing" means Certificate of Mailing as defined by the United States Postal Service.

"Certified Abatement Worker" means an individual who has been trained by an accredited training program and certified by the director pursuant to R307-842-2 to perform abatements.

"Certified Dust Sampling Technician" means an individual who has been trained by an accredited training program and certified by the director pursuant to R307-841-8(1) and R307-842-2 to collect dust samples.

"Certified Firm" means a company, partnership, corporation, sole proprietorship or individual doing business, association, or other business entity; a federal, state, tribal, or local government agency; or a nonprofit organization that performs lead-based paint activities, renovations, or dust sampling to which the director has issued a certificate of approval pursuant to R307-842-2(5).

"Certified Inspector" means an individual who has been trained by an accredited training program and certified by the director pursuant to R307-842-2 to conduct inspections. A certified inspector also samples for the presence of lead in dust and soil for the purposes of abatement clearance testing.

"Certified Project Designer" means an individual who has been trained by an accredited training program and certified by the director pursuant to R307-842-2 to prepare abatement project designs, occupant protection plans, and abatement reports.

"Certified Renovator" means an individual who has been trained by an accredited training program and certified by the director pursuant to R307-841-8(1) and R307-842-2 to conduct renovations.

"Certified Risk Assessor" means an individual who has been trained by an accredited training program and certified by the director pursuant to R307-842-2 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.

"Certified Supervisor" means an individual who has been trained by an accredited training program and certified by the director pursuant to R307-842-2 to supervise and conduct abatements, and to prepare occupant protection plans and abatement reports.

"Chewable Surface" means an interior or exterior surface painted with lead-based paint that a young child can mouth or chew. A chewable surface is the same as an "accessible surface" as defined in 42 U.S.C. 4851b(2). Hard metal substrates and other materials that can not be
dent by the bite of a young child are not considered chewable.  

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

"Cleaning Verification Card" means a card developed and  
distributed, or otherwise approved, by EPA for the purpose of  
determining, through comparison of wet and dry disposable cleaning  
cloths with the card, whether post-renovation cleaning has been  
properly completed.  

"Clearance Levels" are values that indicate the amount of lead  
in dust on a surface following completion of an abatement activity.  
To achieve clearance when dust sampling is required, values below these  
levels must be achieved.  

"Common Area" means a portion of a building that is generally  
accessible to all occupants. Such an area may include, but is not  
limited to, hallways, stairways, laundry and recreational rooms,  
playgrounds, community centers, garages, and boundary fences.  

"Common Area Group" means a group of common areas that are similar  
in design, construction, and function. Common area groups include,  
but are not limited to hallways, stairways, and laundry rooms.  

"Component or Building Component" means specific design or  
structural elements or fixtures of a building or residential dwelling  
that are distinguished from each other by form, function, and location.  
These include, but are not limited to, interior components such as  
ceilings, crown molding, walls, chair rails, doors, door trim, floors,  
fireplaces, radiators and other heating units, shelves, shelf  
supports, stair treads, stair risers, stair stringers, newel posts,  
railing caps, balustrades, windows and trim (including sashes, window
heads, jambs, sills or stools and troughs), built in cabinets, columns, beams, bathroom vanities, counter tops, and air conditioners, and exterior components such as painted roofing, chimneys, flashing, gutters and downspouts, ceilings, soffits, fascias, rake boards, cornerboards, bulkheads, doors and door trim, fences, floors, joists, lattice work, railings and railing caps, siding, handrails, stair risers and treads, stair stringers, columns, balustrades, window sills or stools and troughs, casings, sashes and wells, and air conditioners.

"Concentration" means the relative content of a specific substance contained within a larger mass, such as the amount of lead (in micrograms per gram or parts per million by weight) in a sample of dust or soil.

"Containment" means a process to protect workers and the environment by controlling exposures to the lead-contaminated dust and debris created during an abatement.

"Course Agenda" means an outline of the key topics to be covered during a training course, including the time allotted to teach each topic.

"Course Test" means an evaluation of the overall effectiveness of the training which shall test the trainees' knowledge and retention of the topics covered during the course.

"Course Test Blue Print" means written documentation identifying the proportion of course test questions devoted to each major topic in the course curriculum.

"Deteriorated Paint" means any interior or exterior paint or other coating that is flaking, peeling, chipping, chalking, or cracking, or any other paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separated from the substrate.

"Discipline" means one of the specific types or categories of lead-based paint activities identified in this rule for which individuals may receive training from accredited programs and become certified by the director. Disciplines include Abatement Worker, Dust Sampling Technician, Inspector, Project Designer, Renovator, Risk Assessor, and Supervisor.

"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.

"Documented Methodologies" are methods or protocols used to sample for the presence of lead in paint, dust, and soil.

"Dripline" means the area within 3 feet surrounding the perimeter of the building.

"Dry Disposable Cleaning Cloth" means a commercially available dry, electrostatically charged, white disposable cloth designed to be used for cleaning hard surfaces such as uncarpeted floors or counter
"Dust-lead hazard" means surface dust in a residential dwelling or child-occupied facility that contains a mass-per-area concentration of lead equal to or exceeding 10 ug/ft² on floors or 100 ug/ft² on interior window sills based on wipe samples.

"Elevated Blood Lead Level (EBL)" means an excessive absorption of lead that is a confirmed concentration of lead in whole blood of ≥5 micrograms of lead per deciliter of whole blood (ug/dl) for a single venous blood test or two capillary blood tests drawn within 12 weeks of each other.

"Emergency Renovation Operations" means renovation activities, such as operations necessitated by non-routine failures of equipment, that were not planned but result from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, or threatens equipment and/or property with significant damage.

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

"Encapsulation" means the application of an encapsulant.

"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.

"EPA" means the United States Environmental Protection Agency.

"Friction Surface" means an interior or exterior surface that is subject to abrasion or friction, including, but not limited to, certain window, floor, and stair surfaces.

"Guest Instructor" means an individual designated by the training program manager or principal instructor to provide instruction specific to the lecture, hands-on activities, or work practice components of a course.

"Hands-On Skills Assessment" means an evaluation which tests the trainees' ability to satisfactorily perform the work practices and procedures identified in R307-842-1(4), as well as any other skill taught in a training course.

"Hazardous Waste" means any waste as defined in 40 CFR 261.3.

"HEPA Vacuum" means a vacuum cleaner which has been designed with a high-efficiency particulate air (HEPA) filter as the last filtration stage. A HEPA filter is a filter that is capable of capturing particulates of 0.3 microns with 99.97% efficiency. The vacuum cleaner must be designed so that all the air drawn into the machine is expelled through the HEPA filter with none of the air leaking past it. HEPA vacuums must be operated and maintained in accordance with the manufacturer's instructions.
"Housing for the Elderly" means retirement communities or similar types of housing reserved for households composed of one or more persons 62 years of age or more at the time of initial occupancy.

"HUD" means the United States Department of Housing and Urban Development.

"Impact Surface" means an interior or exterior surface that is subject to damage by repeated sudden force such as certain parts of door frames.

"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.

"Interim Certification" means the status of an individual who has successfully completed the appropriate training course in a discipline from an accredited training program, as defined by this section, but has not yet received formal certification in that discipline from the director pursuant to R307-842-2. Interim certification expires 6 months after the completion of the training course, and is equivalent to a certificate for the 6-month period.

"Interim Controls" means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.

"Interior Window Sill" means the portion of the horizontal window ledge that protrudes into the interior of the room.

"Lead-Based Paint" means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5% by weight.

"Lead-Based Paint Activities" means, in the case of target housing and child-occupied facilities, inspection, risk assessment, and abatement.

"Lead-Based Paint Activities Courses" means initial and refresher training courses (worker, supervisor, inspector, risk assessor, project designer) provided by accredited training programs.

"Lead-Based Paint Hazard" means, for the purposes of lead-based paint activities, 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 Administrator of the EPA pursuant to TSCA Section 403, and for the purposes of renovation, means hazardous lead-based paint, dust-lead hazard, or soil-lead hazard as identified in R307-840-2.

"Lead-Hazard Screen" means a limited risk assessment activity
that involves limited paint and dust sampling as described in
R307-842-3(3).

"Living Area" means any area of a residential dwelling used by
one or more children age 6 and under, including, but not limited to,
living rooms, kitchen areas, dens, play rooms, and children's
bedrooms.

"Loading" means the quantity of a specific substance present per
unit of surface area, such as the amount of lead in micrograms contained
in the dust collected from a certain surface area divided by the surface
area in square feet or square meters.

"Local Government" means a county, city, town, borough, parish,
district, association, or other public body (including an agency
comprised of two or more of the foregoing entities) created under state
law.

"Mid-Yard" means an area of a residential yard approximately
midway between the dripline of a residential building and the nearest
property boundary or between the driplines of a residential building
and another building on the same property.

"Minor Repair and Maintenance Activities" are activities,
including minor heating, ventilation, or air conditioning work,
 electrical work, and plumbing, that disrupt 6 square feet or less of
 painted surface per room for interior activities or 20 square feet or
 less of painted surface for exterior activities where none of the work
 practices prohibited or restricted by R307-841-5(1)(c) are used and
 where the work does not involve window replacement or demolition of
 painted surface areas. When removing painted components, or portions
 of painted components, the entire surface area removed is the amount
 of painted surface disturbed. Jobs, other than emergency renovations,
 performed in the same room within the same 30 days must be considered
 the same job for the purpose of determining whether the job is a minor
 repair and maintenance activity.

"Multi-Family Dwelling" means a structure that contains more than
one separate residential dwelling unit which is used or occupied, or
intended to be used or occupied, in whole or in part, as the home or
residence of one or more persons.

"Multi-Family Housing" means a housing property consisting of
more than four dwelling units.

"Nonprofit" means an entity which has demonstrated to any branch
of the federal government or to a state, municipal, tribal or
territorial government, that no part of its net earnings inure to the
benefit of any private shareholder or individual.

"Owner" means any entity that has legal title to target housing,
including but not limited to individuals, partnerships, corporations,
trusts, government agencies, housing agencies, Indian tribes, and
nonprofit organizations, except where a mortgagee holds legal title
to property serving as collateral for a mortgage loan, in which case
the owner would be the mortgagor.

"Paint In Poor Condition" means more than 10 square feet of
deteriorated paint on exterior components with large surface areas,
or more than 2 square feet of deteriorated paint on interior components
with large surface areas (e.g., walls, ceilings, floors, doors), or
more than 10% of the total surface area of the component is deteriorated
on interior or exterior components with small surface areas (window
sills, baseboards, soffits, trim).

"Paint-lead hazard" means any of the following:
(a) Any lead-based paint on a friction surface that is subject
to abrasion and where the lead dust levels on the nearest horizontal
surface underneath the friction surface (e.g., the window sill or
floor) are equal to or greater than the dust-lead hazard levels
identified in the definition of "Dust-lead hazard".
(b) Any damaged or otherwise deteriorated lead-based paint on
an impact surface that is caused by impact from a related building component (such as a door knob that knocks into a wall or a door that
knocks against its door frame).
(c) Any chewable lead-based painted surface on which there is
evidence of teeth marks.
(d) Any other deteriorated lead-based paint in any residential
building or child-occupied facility or on the exterior of any
residential building or child-occupied facility.

"Painted surface" means a component surface covered in whole or
in part with paint or other surface coatings.

"Pamphlet" means the EPA pamphlet titled "Renovate Right:
Important Lead Hazard Information for Families, Child Care Providers
and Schools" developed under Section 406(a) of TSCA for use in
complying with section 406(b) of TSCA. This includes reproductions
of the pamphlet when copied in full and without revision or deletion
of material from the pamphlet (except for the addition or revision of
state or local sources of information).

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

"Person" means any natural or judicial person including any
individual, corporation, partnership, or association, any Indian
tribe, state, or political subdivision thereof, any interstate body,
and any department, agency, or instrumentality of the federal
government.

"Play Area" means an area of frequent soil contact by children
of less than 6 years of age as indicated by, but not limited to, such
factors including the presence of play equipment (e.g., sandboxes, swing sets, and sliding boards), toys, or other children's possessions, observations of play patterns, or information provided by parents, residents, care givers, or property owners.

"Principal Instructor" means the individual who has the primary responsibility for organizing and teaching a particular course.

"Recognized Laboratory" means an environmental laboratory recognized by EPA pursuant to TSCA Section 405(b) as being capable of performing an analysis for lead compounds in paint, soil, and dust.

"Recognized Test Kit" means a commercially available kit recognized by EPA under 40 CFR 745.88 as being capable of allowing a user to determine the presence of lead at levels equal to or in excess of 1.0 milligrams per square centimeter, or more than 0.5% lead by weight, in a paint chip, paint powder, or painted surface.

"Reduction" means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls and abatement.

"Renovation" means the modification of an existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement as defined by R307-840-2. The term renovation includes, but is not limited to, the removal, modification, or repair of painted surfaces or painted components (e.g., modification of painted doors, surface restoration, window repair, surface preparation activity (such as sanding, scraping, or other such activities that may generate paint dust)), the removal of building components (e.g., walls, ceilings, plumbing, windows), weatherization projects (e.g., cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, planing thresholds to install weather-stripping), and interim controls that disturb painted surfaces. A renovation performed for the purpose of converting a building, or part of a building, into target housing or a child-occupied facility is a renovation under this rule. The term renovation does not include minor repair and maintenance activities.

"Renovator" means an individual who either performs or directs workers who perform renovations.

"Residential Building" means a building containing one or more residential dwellings.

"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 separate residential dwelling unit, which is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

"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 firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.

"Room" means a separate part of the inside of a building, such as a bedroom, living room, dining room, kitchen, bathroom, laundry room, or utility room. To be considered a separate room, the room must be separated from adjoining rooms by built-in walls or archways that extend at least 6 inches from an intersecting wall. Half walls or bookcases count as room separators if built-in. Movable or collapsible partitions or partitions consisting solely of shelves or cabinets are not considered built-in walls. A screened in porch that is used as a living area is a room.


"Soil-lead hazard" means bare soil on residential real property or on the property of a child-occupied facility that contains total lead equal to or exceeding 400 parts per million (ug/g) in a play area or average 1,200 parts per million of bare soil in the rest of the yard based on soil samples.

"Start Date" means the first day of any lead-based paint activities training course or lead-based paint abatement activity. "Start Date Provided to the director" means the start date included in the original notification or the most recent start date provided to the director in an updated notification. "State" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Canal Zone, American Samoa, the Northern Mariana Islands, or any other territory or possession of the United States.

"Target housing" means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any one or more children age 6 years or under resides or is expected to reside in such housing for the elderly or persons with disabilities) or any 0-bedroom dwelling.

"Training curriculum" means an established set of course topics for instruction in an accredited training program for a particular discipline designed to provide specialized knowledge and skills. "Training Hour" means at least 50 minutes of actual learning, including, but not limited to, time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, and hands-on experience. "TSCA" means the Toxic Substances Control Act, 15 U.S.C. 2601. "Training Manager" means the individual responsible for
administering a training program and monitoring the performance of principal instructors and guest instructors.

"Training Provider" means any organization or entity accredited under R307-842-1 to offer lead-based paint activities, renovator, or dust sampling technician courses.

"Vertical containment" means a vertical barrier consisting of plastic sheeting or other impermeable material over scaffolding or a rigid frame, or an equivalent system of containing the work area. Vertical containment is required for some exterior renovations but it may be used on any renovation.

"Visual Inspection for Clearance Testing" means the visual examination of a residential dwelling or a child-occupied facility following abatement to determine whether or not the abatement has been successfully completed.

"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.

"Weighted Arithmetic Mean" means the arithmetic mean of sample results weighted by the number of subsamples in each sample. Its purpose is to give influence to a sample relative to the surface area it represents. A single surface sample is comprised of a single subsample. A composite sample may contain from two to four subsamples of the same area as each other and of each single surface sample in the composite. The weighted arithmetic mean is obtained by summing, for all samples, the product of the sample's result multiplied by the number of subsamples in the sample, and dividing the sum by the total number of subsamples contained in all samples. For example, the weighted arithmetic mean of a single surface sample containing 60 ug/ft², a composite sample (3 subsamples) containing 100 ug/ft², and a composite sample (4 subsamples) containing 110 ug/ft² is 100 ug/ft². This result is based on the equation \((60 + (3*100)+(4*110))/(1+3+4)\).

"Wet Disposable Cleaning Cloth" means a commercially available, pre-moistened white disposable cloth designed to be used for cleaning hard surfaces such as uncarpeted floors or counter tops.

"Wet Mopping System" means a device with the following characteristics: A long handle, a mop head designed to be used with disposable absorbent cleaning pads, a reservoir for cleaning solution, and a built-in mechanism for distributing or spraying the cleaning solution onto a floor, or a method of equivalent efficacy.

"Window Trough" means, for a typical double-hung window, the portion of the exterior window sill between the interior window sill (or stool) and the frame of the storm window. If there is no storm window, the window trough is the area that receives both the upper and lower window sashes when they are both lowered. The window trough is
sometimes referred to as the window "well."


"Work Area" means the area that the certified renovator establishes to contain the dust and debris generated by a renovation.

"0-Bedroom Dwelling" means any residential dwelling in which the living area is not separated from the sleeping area. The term includes efficiencies, studio apartments, dormitory housing, military barracks, and rentals of individual rooms in residential dwellings.

KEY: definitions, paint, lead-based paint

Date of Enactment or Last Substantive Amendment: May 3, 2012
Notice of Continuation: November 13, 2018
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(i)
R307-841-1. Purpose.

This rule implements 40 CFR 745, regulations developed under Sections 402 and 406 of the Toxic Substances Control Act (15 U.S.C. 2682 and 2686) and applies to all renovations performed for compensation in target housing and child-occupied facilities. The purpose of this rule is to ensure the following:

1. Owners and occupants of target housing and child-occupied facilities receive information on lead-based paint hazards before these renovations begin; and
2. Individuals performing renovations regulated in accordance with R307-841-3 are properly trained; renovators and firms performing these renovations are certified; and the work practices in R307-841-5 are followed during these renovations.

R307-841-2. Effective Dates.

1. Training, certification and accreditation requirements, and work practice standards. The training, certification and accreditation requirements and work practice standards in this rule are applicable as follows:

   a. Training programs. Effective April 8, 2010, no training program may provide, offer, or claim to provide training or refresher training for director certification as a renovator or a dust sampling technician without accreditation from the director under R307-842-1. Training programs may apply for accreditation under R307-842-1;

   b. Firms.

      i. Firms may apply for certification under R307-841-7 beginning April 8, 2010.

      ii. On or after April 8, 2010, no firm may perform, offer, or claim to perform renovations without certification from the director under R307-841-7 in target housing or child-occupied facilities, unless the renovation qualifies as one of the exceptions identified in R307-841-3(1).

   c. Individuals. On or after April 8, 2010, all renovations must be directed by renovators certified in accordance with R307-841-8(1) and performed by certified renovators or individuals trained in accordance with R307-841-8(2)(b) in target housing or child-occupied facilities, unless the renovation qualifies for one of the exceptions identified in R307-841-3(1).

   d. Work practices.

      i. On or after April 8, 2010 and before July 5, 2012, all renovations must be performed in accordance with the work practice standards in R307-841-5 and the associated recordkeeping requirements.
in R307-841-6(2)(a) and (2)(f) in target housing or child-occupied facilities, unless the renovation qualifies for the exceptions identified in R307-841-3(1). This does not apply to renovations in target housing for which the firm performing the renovation has obtained a statement signed by the owner that the renovation will occur in the owner's residence, no child under age six resides there, the housing is not a child-occupied facility, and the owner acknowledges that the work practices to be used during the renovation will not necessarily include all of the lead-safe work practices contained in EPA's renovation, repair, and painting rule. For the purposes of this section, a child resides in the primary residence of his or her custodial parents, legal guardians, and foster parents. A child also resides in the primary residence of an informal caretaker if the child lives and sleeps most of the time at the caretaker's residence.

(ii) On or after July 5, 2012, all renovations must be performed in accordance with the work practice standards in R307-841-5 and the associated recordkeeping requirements in R307-841-6(2)(a) and (2)(f) in target housing or child-occupied facilities, unless the renovation qualifies for the exception identified in R307-841-3(1).

(2) Renovation-specific pamphlet. Renovators or firms performing renovations must provide owners and occupants with "Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools."


(1) This rule applies to all renovations performed for compensation in target housing and child-occupied facilities, except for the following:

(a) Renovations in target housing or child-occupied facilities in which a written determination has been made by an inspector or risk assessor, certified pursuant to R307-842-2, that the components affected by the renovation are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams/per square centimeter (mg/cm²) or 0.5% by weight, where the firm performing the renovation has obtained a copy of the determination; or

(b) Renovations in target housing or child-occupied facilities in which a certified renovator, using an EPA-recognized test kit as defined in R307-840-2 and following the kit manufacturer's instructions, has tested each component affected by the renovation and determined that the components are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 mg/cm² or 0.5% by weight. If the components make up an integrated whole, such as the individual stair treads and risers of a single staircase, the renovator is required to test only one of the individual components, unless the individual components appear to have been repainted or refinished.
1 separately.
2 (c) Renovations in target housing or child-occupied facilities
3 in which a certified renovator has collected a paint chip sample from
4 each painted component affected by the renovation and a laboratory
5 recognized by EPA pursuant to section 405(b) of TSCA as being capable
6 of performing analyses for lead compounds in paint chip samples has
7 determined that the samples are free of paint or other surface coatings
8 that contain lead equal to or in excess of 1.0 mg/cm² or 0.5% by weight.
9 If the components make up an integrated whole, such as the individual
10 stair treads and risers of a single staircase, the renovator is
11 required to test only one of the individual components, unless the
12 individual components appear to have been repainted or refinished
13 separately.
14 (2) The information distribution requirements in R307-841-4 do
15 not apply to emergency renovations, which are renovation activities
16 that were not planned but result from a sudden, unexpected event (such
17 as non-routine failures of equipment) that, if not immediately
18 attended to, presents a safety or public health hazard, or threatens
19 equipment and/or property with significant damage. Interim controls
20 performed in response to an elevated blood lead level in a resident
21 child are also emergency renovations. Emergency renovations other
22 than interim controls are also exempt from the warning sign,
23 containment, waste handling, training, and certification requirements
24 in R307-841-5, R307-841-7, and R307-841-8 to the extent necessary to
25 respond to the emergency. Emergency renovations are not exempt from
26 the cleaning requirements of R307-841-5(1)(e) which must be performed
27 by certified renovators or individuals trained in accordance with
28 R307-841-8(2)(b), the cleaning verification requirements of
29 R307-841-5(2), which must be performed by certified renovators, and
30 the recordkeeping requirements of R307-841-6(2)(e) and (f).

1 (1) Renovations in dwelling units. No more than 60 days before
2 beginning renovation activities in any residential dwelling unit of
3 target housing, the firm performing the renovation must:
4 (a) Provide the owner of the unit with the pamphlet, and comply
5 with one of the following:
6 (i) Obtain, from the owner, a written acknowledgment that the
7 owner has received the pamphlet; or
8 (ii) Obtain a certificate of mailing at least 7 days prior to
9 the renovation; and
10 (b) If the owner does not occupy the dwelling unit, provide an
11 adult occupant of the unit with the pamphlet, and comply with one of
12 the following:
13 (i) Obtain, from the adult occupant, a written acknowledgment
that the occupant has received the pamphlet, or certify in writing that
a pamphlet has been delivered to the dwelling and that the firm
performing the renovation has been unsuccessful in obtaining a written
acknowledgment from an adult occupant. Such certification must
include the address of the unit undergoing renovation, the date and
method of delivery of the pamphlet, names of the persons delivering
the pamphlet, reason for lack of acknowledgment (e.g., occupant
refuses to sign, no adult occupant available), the signature of a
representative of the firm performing the renovation, and the date of
signature; or
(ii) Obtain a certificate of mailing at least 7 days prior to
the renovation.

(2) Renovations in common areas. No more than 60 days before
beginning renovation activities in common areas of multi-unit target
housing, the firm performing the renovation must:
(a) Provide the owner with the pamphlet, and comply with one of
the following:
(i) Obtain, from the owner, a written acknowledgment that the
owner has received the pamphlet; or
(ii) Obtain a certificate of mailing at least 7 days prior to
the renovation;
(b) Comply with one of the following:
(i) Notify in writing, or ensure written notification of, each
affected unit and make the pamphlet available upon request prior to
the start of renovation. Such notification shall be accomplished by
distributing written notice to each affected unit. The notice shall
describe the general nature and locations of the planned renovation
activities, the expected starting and ending dates, and a statement
of how the occupant can obtain the pamphlet and a copy of the records
required by R307-841-6(3) and (4) at no cost to the occupants; or
(ii) While the renovation is ongoing, post informational signs
describing the general nature and locations of the renovation and the
anticipated completion date. These signs must be posted in areas
where they are likely to be seen by the occupants of all of the affected
units. The signs must be accompanied by a posted copy of the pamphlet
or information on how interested occupants can review a copy of the
pamphlet or obtain a copy from the renovation firm at no cost to
occupants. The signs must also include information on how interested
occupants can review a copy of the records required by R307-841-6(3)
and (4) or obtain a copy from the renovation firm at no cost to the
occupants;
(c) Prepare, sign, and date a statement describing the steps
performed to notify all occupants of the intended renovation
activities and to provide the pamphlet; and
(d) If the scope, locations, or expected starting and ending
dates of the planned renovation activities change after the initial notification, and the firm provided written initial notification to each affected unit, the firm performing the renovation must provide further written notification to the owners and occupants providing revised information on the ongoing or planned activities. This subsequent notification must be provided before the firm performing the renovation initiates work beyond that which was described in the original notice.

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

(a)(i) Provide the owner of the building with the pamphlet, and comply with one of the following:

(A) Obtain, from the owner, a written acknowledgment that the owner has received the pamphlet; or

(B) Obtain a certificate of mailing at least 7 days prior to the renovation;

(ii) If the adult representative of the child-occupied facility is not the owner of the building, provide an adult representative of the child-occupied facility with the pamphlet, and comply with one of the following:

(A) Obtain, from the adult representative, a written acknowledgment that the adult representative has received the pamphlet, or certify in writing that a pamphlet has been delivered to the facility and that the firm performing the renovation has been unsuccessful in obtaining a written acknowledgment from an adult representative. Such certification must include the address of the child-occupied facility undergoing renovation, the date and method of delivery of the pamphlet, names of the persons delivering the pamphlet, reason for lack of acknowledgment (e.g., representative refuses to sign), the signature of a representative of the firm performing the renovation, and the date of signature; or

(B) Obtain a certificate of mailing at least 7 days prior to the renovation;

(b) Provide the parents and guardians of children using the child-occupied facility with the pamphlet and information describing the general nature and locations of the renovation and the anticipated completion date and information on how interested parents or guardians of children frequenting the child-occupied facility can review a copy of the records required by R307-841-6(3) and (4) or obtain a copy from the renovation firm at no cost to the parents or guardians by complying with one of the following:

(i) Mail or hand-deliver the pamphlet and the renovation information to each parent or guardian of a child using the child-occupied facility; or
(ii) While the renovation is ongoing, post informational signs describing the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they can be seen by the parents or guardians of the children frequenting the child-occupied facility. The signs must be accompanied by a posted copy of the pamphlet or information on how interested parents or guardians of children frequenting the child-occupied facility can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to the parents or guardians. The signs must also include information on how interested parents or guardians of children frequenting the child-occupied facility can review a copy of the records required by R307-841-6(3) and (4) or obtain a copy from the renovation firm at no cost to the parents or guardians.

(c) The renovation firm must prepare, sign, and date a statement describing the steps performed to notify all parents and guardians of the intended renovation activities and to provide the pamphlet.

(4) Written acknowledgment. The written acknowledgments required by paragraphs (1)(a)(i), (1)(b)(i), (2)(a)(i), (3)(a)(i)(A), and (3)(a)(ii)(A) of this section must:

(a) Include a statement recording the owner or occupant's name and acknowledging receipt of the pamphlet prior to the start of renovation, the address of the unit undergoing renovation, the signature of the owner or occupant as applicable, and the date of signature;

(b) Be either a separate sheet or part of any written contract or service agreement for the renovation; and

(c) Be written in the same language as the text of the contract or agreement for the renovation or, in the case of non-owner occupied target housing, in the same language as the lease or rental agreement or the pamphlet.

R307-841-5. Work Practice Standards.

(1) Standards for renovation activities. Renovations must be performed by firms certified under R307-841-7 using renovators certified under R307-841-8. The responsibilities of certified firms are set forth in R307-841-7(4) and the responsibilities of certified renovators are set forth in R307-841-8(2).

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

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

(i) Interior renovations. The firm must:

(A) Remove all objects from the work area, including furniture, rugs, and window coverings, or cover them with plastic sheeting or other impermeable material with all seams and edges taped or otherwise sealed;

(B) Close and cover all duct openings in the work area with taped-down plastic sheeting or other impermeable material;

(C) Close windows and doors in the work area. Doors must be covered with plastic sheeting or other impermeable material. Doors used as an entrance to the work area must be covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area;

(D) Cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater. Floor containment measures may stop at the edge of the vertical barrier when using a vertical containment system consisting of impermeable barriers that extend from the floor to the ceiling and are tightly sealed at joints with the floor, ceiling, and walls; and

(E) Use precautions to ensure that all personnel, tools, and other items, including the exterior of containers of waste, are free of dust and debris before leaving the work area.

(ii) Exterior renovations. The firm must:

(A) Close all doors and windows within 20 feet of the renovation. On multi-story buildings, close all doors and windows within 20 feet of the renovation on the same floor as the renovation, and close all doors and windows on all floors below that are the same horizontal distance from the renovation;

(B) Ensure that doors within the work area that will be used while the job is being performed are covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area;
(C) Cover the ground with plastic sheeting or other disposable impermeable material extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground covering. Ground containment measures may stop at the edge of the vertical barrier when using a vertical containment system; and

(D) If the renovation will affect surfaces within 10 feet of the property line, the renovation firm must erect vertical containment or equivalent extra precautions in containing the work area to ensure that dust and debris from the renovation does not contaminate adjacent buildings or migrate to adjacent properties. Vertical containment or equivalent extra precautions in containing the work area may also be necessary in other situations in order to prevent contamination of other buildings, other areas of the property, or adjacent buildings or properties.

(c) Prohibited and restricted practices. The work practices listed below are prohibited or restricted during a renovation as follows:

(i) Open-flame burning or torching of painted surfaces is prohibited;

(ii) The use of machines designed to remove paint or other surface coatings through high speed operation such as sanding, grinding, power planning, needle gun, abrasive blasting, or sandblasting, is prohibited on painted surfaces unless such machines have shrouds or containment systems and are equipped with a HEPA vacuum attachment to collect dust and debris at the point of generation. Machines must be operated so that no visible dust or release of air occurs outside the shroud or containment system; and

(iii) Operating a heat gun on painted surfaces is permitted only at temperatures below 1,100 degrees Fahrenheit.

(d) Waste from renovations.

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

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

(iii) When the firm transports waste from renovation activities, the firm must contain the waste to prevent release of dust and debris.

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

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

(ii) Additional cleaning for interior renovations. The firm must clean all objects and surfaces in the work area and within 2 feet of the work area in the following manner, cleaning from higher to lower:
   (A) Walls. Clean walls starting at the ceiling and working down to the floor by either vacuuming with a HEPA vacuum or wiping with a damp cloth;
   (B) Remaining surfaces. Thoroughly vacuum all remaining surfaces and objects in the work area, including furniture and fixtures, with a HEPA vacuum. The HEPA vacuum must be equipped with a beater bar when vacuuming carpets and rugs; and
   (C) Wipe all remaining surfaces and objects in the work area, except for carpeted or upholstered surfaces, with a damp cloth. Mop uncarpeted floors thoroughly, using a mopping method that keeps the wash water separate from the rinse water, such as the 2-bucket mopping method, or using a wet mopping system.

(2) Standards for post-renovation cleaning verification.
   (a) Interiors.
      (i) A certified renovator must perform a visual inspection to determine whether dust, debris, or residue is still present. If dust, debris, or residue is present, these conditions must be removed by re-cleaning and another visual inspection must be performed.
      (ii) After a successful visual inspection, a certified renovator must:
         (A) Verify that each windowsill in the work area has been adequately cleaned, using the following procedure.
         (I) Wipe the windowsill with a wet disposable cleaning cloth that is damp to the touch. If the cloth matches or is lighter than the cleaning verification card, the windowsill has been adequately cleaned.
         (II) If the cloth does not match and is darker than the cleaning verification card, re-clean the windowsill as directed in paragraphs (1)(e)(ii)(B) and (1)(e)(ii)(C) of this section, then either use a new cloth or fold the used cloth in such a way that an unused surface is exposed, and wipe the surface again. If the cloth matches or is
lighter than the cleaning verification card, that windowsill has been adequately cleaned.

(III) If the cloth does not match and is darker than the cleaning verification card, wait for 1 hour or until the surface has dried completely, whichever is longer.

(IV) After waiting for the windowsill to dry, wipe the windowsill with a dry disposable cleaning cloth. After this wipe, the windowsill has been adequately cleaned.

(B) Wipe uncarpeted floors and countertops within the work area with a wet disposable cleaning cloth. Floors must be wiped using application device with a long handle and a head to which the cloth is attached. The cloth must remain damp at all times while it is being used to wipe the surface for post-renovation cleaning verification. If the surface within the work area is greater than 40 square feet, the surface within the work area must be divided into roughly equal sections that are each less than 40 square feet. Wipe each such section separately with a new wet disposable cleaning cloth. If the cloth used to wipe each section of the surface within the work area matches the cleaning verification card, the surface has been adequately cleaned.

(I) If the cloth used to wipe a particular surface section does not match the cleaning verification card, re-clean that section of the surface as directed in paragraphs (1)(e)(ii)(B) and (1)(e)(ii)(C) of this section, then use a new wet disposable cleaning cloth to wipe that section again. If the cloth matches the cleaning verification card, that section of the surface has been adequately cleaned.

(II) If the cloth used to wipe a particular surface section does not match the cleaning verification card after the surface has been re-cleaned, wait for 1 hour or until the entire surface within the work area has dried completely, whichever is longer.

(III) After waiting for the entire surface within the work area to dry, wipe each section of the surface that has not yet achieved post-renovation cleaning verification with a dry disposable cleaning cloth. After this wipe, that section of the surface has been adequately cleaned.

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

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

(3) Optional dust clearance testing. Cleaning verification
need not be performed if the contract between the renovation firm and
the person contracting for the renovation or another federal, state,
territorial, tribal, or local law or regulation requires:
   (a) The renovation firm to perform dust clearance sampling at
the conclusion of a renovation covered by this rule.
   (b) The dust clearance samples are required to be collected by
a certified inspector, risk assessor, or dust sampling technician.
   (c) The renovation firm is required to re-clean the work area
until the dust clearance sample results are below the clearance
standards in R307-842-3(5)(h) or any local standard.
(4) Activities conducted after post-renovation cleaning
verification. Activities that do not disturb paint, such as applying
paint to walls that have already been prepared, are not regulated by
this rule if they are conducted after post-renovation cleaning
verification has been performed.

R307-841-6. Recordkeeping and Reporting Requirements.
(1) Firms performing renovations must retain and, if requested,
make available to the director all records necessary to demonstrate
compliance with this rule for a period of 3 years following completion
of the renovation. This 3-year retention requirement does not
supersede longer obligations required by other provisions for
retaining the same documentation.
   (2) Records that must be retained pursuant to paragraph (1) of
this section shall include (where applicable):
   (a) Records or reports certifying that a determination had been
made that lead-based paint is not present on the components affected
by the renovation, as described in R307-841-3(1). These records or
reports include:
      (i) Reports prepared by a certified inspector or certified risk
assessor certified pursuant to R307-842-2.
      (ii) Records prepared by a certified renovator after using
EPA-recognized test kits, including an identification of the
manufacturer and model of any test kits used, a description of the
components that were tested including their locations, and the result
of each test kit used.
      (iii) Records prepared by a certified renovator after collecting
paint chip samples, including a description of the components that were
tested including their locations, the name and address of the
NLLAP-recognized entity performing the analysis, and the results for
each sample.
   (b) Signed and dated acknowledgments of receipt as described in
R307-841-4(1)(a)(i), (1)(b)(i), (2)(a)(i), (3)(a)(i)(A), and
(3)(a)(ii)(A).
   (c) Certifications of attempted delivery as described in
R307-841-4(1)(b)(i) and (3)(a)(ii)(A).

(d) Certificates of mailing as described in R307-841-4(1)(a)(ii), (1)(b)(ii), (2)(a)(ii), (3)(a)(i)(B), and (3)(a)(ii)(B).

(e) Records of notification activities performed regarding common area renovations, as described in R307-841-4(2)(c) and (2)(d), and renovations in child-occupied facilities, as described in R307-841-4(3)(b).

(f) Documentation of compliance with the requirements of R307-841-5, including documentation that a certified renovator was assigned to the project, that the certified renovator provided on-the-job training for workers used on the project in a language that the workers can comprehend, that the certified renovator performed or directed workers who performed all of the tasks described in R307-841-5(1), and that the certified renovator performed the post-renovation cleaning verification described in R307-841-5(2).

If the renovation firm was unable to comply with all of the requirements of this rule due to an emergency as defined in R307-841-3, the firm must document the nature of the emergency and the provisions of the rule that were not followed. This documentation must include a copy of the certified renovator's current Utah Lead-Based Paint Renovator certification card, and a certification by the certified renovator assigned to the project that:

(i) Training was provided to workers (topics must be identified for each worker).

(ii) Warning signs were posted at the entrances to the work area.

(iii) If test kits were used, that the specified brand of kits was used at the specified locations and that the results were as specified.

(iv) If paint chip samples were collected, that the samples were collected at the specified locations, that the specified NLLAP-recognized laboratory analyzed the samples, and that the results were as specified.

(v) The work area was contained by:

(A) Removing or covering all objects in the work area (interiors);

(B) Closing and covering all HVAC ducts in the work area (interiors);

(C) Closing all windows in the work area (interiors) or closing all windows in and within 20 feet of the work area (exteriors);

(D) Closing and sealing all doors in the work area (interiors) or closing and sealing all doors in and within 20 feet of the work area (exteriors);

(E) Covering doors in the work area that were being used to allow passage but prevent spread of dust;
(F) Covering the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater (interiors) or covering the ground with plastic sheeting or other disposable impermeable material anchored to the building extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground covering, weighted down by heavy objects (exteriors); and

(G) Installing (if necessary) vertical containment to prevent migration of dust and debris to adjacent property (exteriors).

(vi) Waste was contained on-site and while being transported off-site.

(vii) The work area was properly cleaned after the renovation by:

(A) Picking up all chips and debris, misting protective sheeting, folding it dirty side inward, and taping it for removal; and

(B) Cleaning the work area surfaces and objects using a HEPA vacuum and/or wet cloths or mops (interiors).

(viii) The certified renovator performed the post-renovation cleaning verification (the results of which must be briefly described, including the number of wet and dry cloths used).

(3)(a) When the final invoice for the renovation is delivered or within 30 days of the completion of the renovation, whichever is earlier, the renovation firm must provide information pertaining to compliance with this rule to the following persons:

(i) The owner of the building; and, if different,

(ii) An adult occupant of the residential dwelling, if the renovation took place within a residential dwelling, or an adult representative of the child-occupied facility, if the renovation took place within a child-occupied facility.

(b) When performing renovations in common areas of multi-unit target housing, renovation firms must post the information required by this rule or instructions on how interested occupants can obtain a copy of this information. This information must be posted in areas where it is likely to be seen by the occupants of all of the affected units.

(c) The information required to be provided by paragraph (3) of this section may be provided by completing the sample form titled "Sample Renovation Recordkeeping Checklist" or a similar form containing the test kit information required by R307-841-6(2)(a)(ii) and the training and work practice compliance information required by R307-841-6(2)(f).

(4) If dust clearance sampling is performed in lieu of cleaning
verification as permitted by R307-841-5(3), the renovation firm must provide, when the final invoice for the renovation is delivered or within 30 days of the completion of the renovation, whichever is earlier, a copy of the dust sampling report to:

(a) The owner of the building; and, if different,
(b) An adult occupant of the residential dwelling, if the renovation took place within a residential dwelling, or an adult representative of the child-occupied facility, if the renovation took place within a child-occupied facility.
(c) When performing renovations in common areas of multi-unit target housing, renovation firms must post these dust sampling reports or information on how interested occupants of the housing being renovated can obtain a copy of the report. This information must be posted in areas where they are likely to be seen by the occupants of all of the affected units.

(1) Initial certification.
(a) Firms that perform renovations for compensation must apply to the director for certification to perform renovations or dust sampling. To apply, a firm must submit to the director a completed "Lead-Based Paint Certification Application for Firms," signed by an authorized agent of the firm, and pay the correct amount of fees.
(b) After the director receives a firm's application, the director will take one of the following actions within 90 days of the date the application is received:
(i) The director will approve a firm's application if the director determines that it is complete and that the environmental compliance history of the firm, its principals, or its key employees does not show an unwillingness or inability to maintain compliance with environmental statutes or regulations. An application is complete if it contains all of the information requested on the form and includes at least the correct amount of fees. When the director approves a firm's application, the director will issue the firm a certificate with an expiration date not more than 5 years from the date the application is approved;
(ii) The director will request a firm to supplement its application if the director determines that the application is incomplete. If the director requests a firm to supplement its application, the firm must submit the requested information or pay the additional fees within 30 days of the date of the request; and
(iii) The director will not approve a firm's application if the firm does not supplement its application in accordance with paragraph (1)(b)(ii) of this section or if the director determines that the environmental compliance history of the firm, its principals, or its
key employees demonstrates an unwillingness or inability to maintain compliance with environmental statutes or regulations. The director will send the firm a letter giving the reason for not approving the application. The director will not refund the application fees. A firm may reapply for certification at any time by filing a new, complete application that includes the correct amount of fees.

(2) Re-certification. To maintain its certification, a firm must be re-certified by the director.

(a) Timely and complete application. To be re-certified, a firm must submit a complete application for re-certification. A complete application for re-certification includes a completed "Lead-Based Paint Certification Application for Firms" which contains all of the information requested by the form and is signed by an authorized agent of the firm, noting on the form that it is submitted as a re-certification. A complete application must also include the correct amount of fees.

(i) An application for re-certification is timely if it is postmarked 90 days or more before the date the firm's current certification expires. If the firm's application is complete and timely, the firm's current certification will remain in effect until its expiration date or until the director has made a final decision to approve or disapprove the re-certification application, whichever is later.

(ii) If the firm submits a complete re-certification application less than 90 days before its current certification expires, and the director does not approve the application before the expiration date, the firm's current certification will expire and the firm will not be able to conduct renovations until the director approves its re-certification application.

(iii) If the firm fails to obtain re-certification before the firm's current certification expires, the firm must not perform renovations or dust sampling until it is certified anew pursuant to paragraph (1), of this section.

(b) Director's action on an application. After the director receives a firm's application for re-certification, the director will review the application and take one of the following actions within 90 days of receipt:

(i) The director will approve a firm's application if the director determines that it is timely and complete and that the environmental compliance history of the firm, its principals, or its key employees does not show an unwillingness or inability to maintain compliance with environmental statutes or regulations. When the director approves a firm's application for re-certification, the director will issue the firm a new certificate with an expiration date not more than 5 years from the date that the firm's current
certification expires.

(ii) The director will request a firm to supplement its application if the director determines that the application is incomplete.

(iii) The director will not approve a firm's application if it is not received or is not complete as of the date that the firm's current certification expires, or if the director determines that the environmental compliance history of the firm, its principals, or its key employees demonstrates an unwillingness or inability to maintain compliance with environmental statutes or regulations. The director will send the firm a letter giving the reason for not approving the application. The director will not refund the application fees. A firm may reapply for certification at any time by filing a new application and paying the correct amount of fees.

(3) Amendment of certification. A firm must amend its certification within 90 days of the date a change occurs to information included in the firm's most recent application. If the firm fails to amend its certification within 90 days of the date the change occurs, the firm may not perform renovations or dust sampling until its certification is amended.

(a) To amend a certification, a firm must submit a completed "Lead-Based Paint Certification Application for Firms," signed by an authorized agent of the firm, noting on the form that it is submitted as an amendment and indicating the information that has changed. The firm must also pay at least the correct amount of fees.

(b) If additional information is needed to process the amendment, or the firm did not pay the correct amount of fees, the director will request the firm to submit the necessary information or fees. The firm's certification is not amended until the firm complies with the request.

(c) Amending a certification does not affect the certification expiration date.

(4) Firm responsibilities. Firms performing renovations must ensure that:

(a) All individuals performing renovation activities on behalf of the firm are either certified renovators or have been trained by a certified renovator in accordance with R307-841-8;

(b) A certified renovator is assigned to each renovation performed by the firm and discharges all of the certified renovator responsibilities identified in R307-841-8;

(c) All renovations performed by the firm are performed in accordance with the work practice standards in R307-841-5;

(d) The pre-renovation education requirements of R307-841-4 have been performed; and

(e) The recordkeeping requirements of R307-841-6 are met.

(1) Renovator certification and dust sampling technician certification.

(a) To become a certified renovator or certified dust sampling technician, an individual must successfully complete an initial lead-based paint renovator or dust-sampling technician course accredited by the director under R307-842-1, the EPA under 40 CFR 745.225, or a state or tribal program that has been authorized by EPA pursuant to subpart Q of 40 CFR 745.

(b) Individuals who have successfully completed an accredited abatement worker or supervisor course, or individuals who successfully completed a director, EPA, HUD, or EPA/HUD model renovation training course before October 4, 2011, but no later than the training course expiration date found on that training certificate, may take an accredited refresher renovator training course that includes hands-on training in lieu of the initial renovator training course to become a certified renovator.

(c) Individuals who have successfully completed an accredited lead-based paint inspector or risk assessor course before October 4, 2011, but no later than the training course expiration date found on that training certificate, may take an accredited refresher dust sampling technician course in lieu of the initial training to become a certified dust sampling technician. Individuals who are currently certified as lead-based paint inspectors or risk assessors may act as certified dust sampling technicians without further training.

(d) To maintain renovator certification or dust sampling technician certification, an individual must complete a renovator or dust sampling technician refresher course accredited by the director under R307-842-1, the EPA under 40 CFR 745.225, or by a state or tribal program that is authorized under subpart Q of 40 CFR 745 within 5 years of the date the individual completed the initial course described in paragraph (1)(a) of this section. If the individual does not complete a refresher course within this time, the individual must re-take the initial course to become certified again. Individuals who complete a renovator course accredited by the director under R307-842-1, the EPA or an EPA authorized program on or before March 31, 2010, must complete a renovator refresher course accredited by the director under R307-842-1, the EPA or an EPA authorized program on or before March 31, 2016, to maintain renovator certification. Individuals who completed a renovator course accredited by the director under R307-842-1, the EPA or an EPA authorized program between April 1, 2010 and March 31, 2011, will have one year added to their original 5-year training certificate expiration date. Individuals who take a renovator
refresher course that does not include hands-on training will have a training certificate expiration date 3 years from the date they complete the training. Individuals who take a refresher training course that includes hands-on training will have a training certificate expiration date 5 years from the date they complete the training. Individuals who take the renovator refresher course without hands-on training must, for their next renovator refresher course, take a course that includes hands-on training.

(e) An individual shall be re-certified as a renovator or a dust sampling technician if the individual successfully completes the appropriate lead-based paint accredited refresher training course and submits a valid copy of the appropriate refresher course completion certificate. During the time period when the individual is not certified by the director, that individual cannot perform any regulated work activities that requires individual certification.

(2) Renovator responsibilities. Certified renovators are responsible for ensuring compliance with R307-841-5 at all renovations to which they are assigned. A certified renovator:

(a) Must perform all of the tasks described in R307-841-5(2) and must either perform or direct workers who perform all of the tasks described in R307-841-5(1);

(b) Must provide training to workers on the work practices required by R307-841-5(1) that they will be using in performing their assigned tasks;

(c) Must be physically present at the work site when the signs required by R307-841-5(1)(a) are posted, while the work area containment required by R307-841-5(1)(b) is being established, and while the work area cleaning required by R307-841-5(1)(e) is performed;

(d) Must regularly direct work being performed by other individuals to ensure that the work practices required by R307-841-5(1) are being followed, including maintaining the integrity of the containment barriers and ensuring that dust or debris does not spread beyond the work area;

(e) Must be available, either on-site or by telephone, at all times that renovations are being conducted;

(f) When requested by the party contracting for renovation services, must use an acceptable test kit to determine whether components to be affected by the renovation contain lead-based paint;

(g) Must have with them at the work site their current Utah Lead-Based Paint Renovator certification card; and

(h) Must prepare the records required by R307-841-6(2)(a)(ii), (iii), and (f).

(3) Dust sampling technician responsibilities. When performing optional dust clearance sampling under R307-841-5(3), a
certified dust sampling technician:
(a) Must collect dust samples in accordance with R307-842-3(5)(h), must send the collected samples to a laboratory recognized by EPA under TSCA Section 405(b), and must compare the results to the clearance levels in accordance with R307-842-3(5)(h);
and
(b) Must have with them at the work site their current Utah Lead-Based Paint Dust Sampling Technician certification card.

R307-841-9. Suspending, Revoking, or Modifying an Individual's or Firm's Certification.

(1) Grounds for suspending, revoking, or modifying an individual's certification. The director may suspend, revoke, or modify an individual's certification if the individual fails to comply with state lead-based paint administrative rules. The director may also suspend, revoke, or modify a certified renovator's certification if the renovator fails to ensure that all assigned renovations comply with R307-841-5. 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.

(2) Grounds for suspending, revoking, or modifying a firm's certification. The director may suspend, revoke, or modify a firm's certification if the firm:
(a) Submits false or misleading information to the director in its application for certification or re-certification,
(b) Fails to maintain or falsifies records required in R307-841-6, or
(c) Fails to comply, or an individual performing a renovation on behalf of the firm fails to comply, with state lead-based paint administrative rules. 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.

KEY: paint, lead-based paint, lead-based paint renovation

Date of Enactment or Last Substantive Amendment: May 9, 2017
Notice of Continuation: December 9, 2019
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(i)

R307-842. Lead-Based Paint Activities.

R307-842-1. Accreditation of Training Programs: Target Housing and Child-Occupied Facilities.

(1) Scope.

(a) A training program may seek accreditation to offer courses in any of the following disciplines: inspector, risk assessor, supervisor, project designer, abatement worker, renovator, and dust sampling technician. A training program may also seek accreditation to offer refresher courses for each of the above listed disciplines.

Training courses taught in Utah must be accredited by the director. All e-learning renovator refresher courses originating from companies based in Utah must also be accredited by the director.

(b) Training programs may apply to the director for accreditation of their lead-based paint activities courses or refresher courses pursuant to this section. Training programs may apply to the director for accreditation of their renovator or dust sampling technician courses or refresher courses pursuant to this section.

(c) Initial and refresher courses shall be specific to each discipline and shall be conducted as separate and distinct courses and not combined with any other training during the period of the course.

(d) A training program must not provide, offer, or claim to provide director-accredited lead-based paint activities courses without applying for and receiving accreditation from the director as required under paragraph (2) of this section. A training program must not provide, offer, or claim to provide director-accredited renovator or dust sampling technician courses without applying for and receiving accreditation from the director as required under paragraph (2) of this section.

(e) Accredited training programs, training program managers, and principal instructors must comply with all of the requirements of this section including approved terms of the application and all the requirements and limitations specified in any accreditation documents issued to training programs.

(2) Application process. The following are procedures a training program must follow to receive director accreditation to offer lead-based paint activities courses, renovator courses, or dust sampling technician courses:

(a) A training program seeking accreditation shall submit a written application to the director containing the following information:

(i) The training program's name, address, and telephone number;

(ii) A list of courses for which it is applying for accreditation. For the purposes of this section, courses taught in
different languages and electronic learning courses are considered different courses, and each must independently meet the accreditation requirements;

  (iii) The name and documentation of the qualifications of the training program manager;
  (iv) The name(s) and documentation of qualifications of any principal instructor(s); and
  (v) A statement signed by the training program manager certifying that the training program meets the requirements established in paragraph (3) of this section. If a training program uses EPA-recommended model training materials, the training program manager shall include a statement certifying that, as well; or

  (vi) If a training program does not use EPA-recommended model training materials, its application for accreditation shall also include:
    (A) A copy of the student and instructor manuals, or other materials to be used for each course;
    (B) A copy of the course agenda for each course; and
    (C) When applying for accreditation of a course in a language other than English, a signed statement from a qualified, independent translator that they had compared the course to the English language version and found the translation to be accurate;

  (vii) All training programs shall include in their application for accreditation the following:
    (A) A description of the facilities and equipment to be used for lecture and hands-on training;
    (B) A copy of the course test blueprint for each course;
    (C) A description of the activities and procedures that will be used for conducting the assessment of hands-on skills for each course; and
    (D) A copy of the quality control plan as described in paragraph (3)(i) of this section.

(b) If a training program meets the requirements in paragraph (3) of this section, then the director shall approve the application for accreditation no more than 180 days after receiving a complete application from the training program. In the case of approval, a certificate of accreditation shall be sent to the applicant. In the case of disapproval, a letter describing the reasons for disapproval shall be sent to the applicant. Prior to disapproval, the director may, at its discretion, work with the applicant to address inadequacies in the application for accreditation. The director may also request additional materials retained by the training program under paragraph (8) of this section. If a training program's application is disapproved, the program may reapply for accreditation at any time.

(c) A training program may apply for accreditation to offer
initial courses or refresher courses in as many disciplines as it chooses. A training program may seek accreditation for additional courses at any time as long as the program can demonstrate that it meets the requirements of this section.

(d) A training program applying for accreditation must submit the appropriate fees in accordance with the current Department of Environmental Quality Fee Schedule.

(3) Requirements for the accreditation of training programs. A training program accredited by the director to offer lead-based paint activities courses, renovator courses, or dust sampling technician courses must meet the following requirements:

(a) The training program shall employ a training manager who has:

(i) At least 2 years of experience, education, or training in teaching workers or adults; or

(ii) 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; or

(iii) Two years of experience in managing a training program specializing in environmental hazards; and

(iv) 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.

(b) The training manager shall designate a qualified principal instructor for each course who has:

(i) Demonstrated experience, education, or training in teaching workers or adults; and

(ii) Successfully completed at least 16 hours of any director-accredited, EPA-accredited, or EPA-authorized state or tribal-accredited lead-specific training for instructors of lead-based paint activities courses or 8 hours of any director-accredited, EPA-accredited or EPA-authorized state or tribal-accredited lead-specific training for instructors of renovator or dust sampling technician courses; and

(iii) Demonstrated experience, education, or training in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

(c) The principal instructor shall be responsible for the organization of the course, course delivery, and oversight of the teaching of all course material. The training manager may designate guest instructors as needed for a portion of the course to provide instruction specific to the lecture, hands-on activities, or work practice components of a course. However, the principal instructor
is primarily responsible for teaching the course materials and must be present to provide instruction (or oversight of portions of the course taught by guest instructors) for the course for which he or she has been designated the principal instructor.

(d) The following documents shall be recognized by the director as evidence that training managers and principal instructors have the education, work experience, training requirements or demonstrated experience, specifically listed in paragraphs (3)(a) and (3)(b) of this section. This documentation must be submitted with the accreditation application and retained by the training program as required by the recordkeeping requirements contained in paragraph (8) of this section. Those documents include the following:

(i) Official academic transcripts or diploma as evidence of meeting the education requirements;
(ii) Resumes, letters of reference, or documentation of work experience, as evidence of meeting the work experience requirements;
and
(iii) Certificates from train-the-trainer courses and lead-specific training courses, as evidence of meeting the training requirements.

(e) The training program 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.

(f) To become accredited in the following disciplines, the training program shall provide initial training courses that meet the following training requirements:

(i) The initial inspector course shall last a minimum of 24 training hours, with a minimum of 8 hours devoted to hands-on training activities. The minimum curriculum requirements for the initial inspector course are contained in paragraph (4)(a) of this section;
(ii) The initial risk assessor course shall last a minimum of 16 training hours, with a minimum of 4 hours devoted to hands-on training activities. The minimum curriculum requirements for the initial risk assessor course are contained in paragraph (4)(b) of this section;
(iii) The initial supervisor course shall last a minimum of 32 training hours, with a minimum of 8 hours devoted to hands-on training activities. The minimum curriculum requirements for the initial supervisor course are contained in paragraph (4)(c) of this section;
(iv) The initial project designer course shall last a minimum of 8 training hours. The minimum curriculum requirements for the initial project designer course are contained in paragraph (4)(d) of this section;
(v) The initial abatement worker course shall last a minimum of 16 training hours, with a minimum of 8 hours devoted to hands-on training activities. The minimum curriculum requirements for the initial abatement worker course are contained in paragraph (4)(e) of this section;

(vi) The initial renovator course must last a minimum of 8 training hours, with a minimum of 2 hours devoted to hands-on training activities. The minimum curriculum requirements for the initial renovator course are contained in paragraph (4)(f) of this section; and

(vii) The initial dust sampling technician course must last a minimum of 8 training hours, with a minimum of 2 hours devoted to hands-on training activities. The minimum curriculum requirements for the initial dust sampling technician course are contained in paragraph (4)(g) of this section.

(viii) Electronic learning and other alternative course delivery methods are permitted for the classroom portion of renovator, dust sampling technician, or lead-based paint activities courses but not the hands-on portion of these courses, or for final course tests or proficiency tests described in paragraph (3)(g) of this section. Electronic learning courses must comply with the following requirements:

(A) A unique identifier must be assigned to each student for them to use to launch and re-launch the course;

(B) The training provider must track each student's course log-ins, launches, progress, and completion, and maintain these records in accordance with paragraph (8) of this section;

(C) The course must include periodic knowledge checks equivalent to the number and content of the knowledge checks contained in EPA's model course, but at least 16 over the entire course. The knowledge checks must be successfully completed before the student can go on to the next module;

(D) There must be a test of at least 20 questions at the end of the electronic learning portion of the course, of which 80% must be answered correctly by the student for successful completion of the electronic learning portion of the course. The test must be designed so that students do not receive feedback on their test answers until after they have completed and submitted the test; and

(E) Each student must be able to save or print a copy of an electronic learning course completion certificate. The electronic certificate must not be susceptible to easy editing.

(g) For each course offered, the training program shall conduct either a course test at the completion of the course, and if applicable, a hands-on skills assessment, or in the alternative, a proficiency test for that discipline. Each student must successfully complete the
hands-on skills assessment and receive a passing score on the course
test to pass any course, or successfully complete a proficiency test.

(i) The training manager is responsible for maintaining the
validity and integrity of the hands-on skills assessment or
proficiency test to ensure that it accurately evaluates the trainees'
performance of the work practices and procedures associated with the
course topics contained in paragraph (4) of this section;

(ii) The training manager is responsible for maintaining the
validity and integrity of the course test to ensure that it accurately
evaluates the trainees' knowledge and retention of the course topics;

(iii) The course test shall be developed in accordance with the
test blueprint submitted with the training accreditation application.

(h) The training program shall issue unique course completion
certificates to each individual who passes the training course. The
course completion certificate shall include:

(i) The name, a unique identification number, and address of the
individual;

(ii) The name of the particular course that the individual
completed;

(iii) Dates of course completion/test passage;

(iv) For initial inspector, risk assessor, project designer,
supervisor, or abatement worker course completion certificates, the
expiration date of interim certification, which is 6 months from the
date of course completion;

(v) The name, address, and telephone number of the training
program;

(vi) The language in which the course was taught;

(vii) For renovator and dust sampling technician course
completion certificates, a photograph of the individual. The
photograph must be an accurate and recognizable image of the
individual. As reproduced on the certificate, the photograph must not
be smaller than 1 square inch; and

(viii) For renovator, dust sampling technician, or lead-based
paint activities course completion certificates, the expiration date
of the training certificate.

(i) 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 program over time. This plan shall contain
at least the following elements:

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

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

(j) Courses offered by the training program must teach the work
practice standards contained in R307-841-5 or R307-842-3, as applicable, in such a manner that trainees are provided with the knowledge needed to perform the renovations or lead-based paint activities they will be responsible for conducting.

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

(l) The training manager shall allow the director or the director's authorized representative to audit the training program to verify the contents of the application for accreditation as described in paragraph (2) of this section.

(m) The training manager must provide notification of renovator, dust sampling technician, or lead-based paint activities courses offered.

(i) The training manager must provide the director with notification of all renovator, dust sampling technician, or lead-based paint activities courses offered except for any renovator course without hands-on training delivered via electronic learning. The original notification must be received by the director at least 7 business days prior to the start date of any renovator, dust sampling technician, or lead-based paint activities course;

(ii) The training manager must provide the director updated notification when renovator, dust sampling technician, or lead-based paint activities courses will begin on a date other than the start date specified in the original notification, as follows:

(A) For renovator, dust sampling technician, or lead-based paint activities courses beginning prior to the start date provided to the director, an updated notification must be received by the director at least 7 business days before the new start date; and

(B) For renovator, dust sampling technician, or lead-based paint activities courses beginning after the start date provided to the director, an updated notification must be received by the director at least 2 business days before the start date provided to the director;

(iii) The training manager must update the director of any change in location of renovator, dust sampling technician, or lead-based paint activities courses at least 7 business days prior to the start date provided to the director;

(iv) The training manager must update the director regarding any course cancellations, or any other change to the original notification. Updated notifications must be received by the director at least 2 business days prior to the start date provided to the director;

(v) Each notification, including updates, must include the following:

(A) Notification type (original, update, or cancellation);
(B) Training program name, address, and telephone number;
(C) Course discipline, type (initial/refresher), and the language in which instruction will be given;
(D) Date(s) and time(s) of training;
(E) Training location(s) telephone number, and address;
(F) Principal instructor's name; and
(G) Training manager's name and signature;

(vi) Notification must be accomplished using any of the following methods: Written notification, or electronically using the Utah Division of Air Quality electronic notification system. Written notification of renovator, dust sampling technician, or lead-based paint activities course schedules can be accomplished by using either the sample form titled "Renovator, Dust Sampling Technician, or Lead-Based Paint Activities Training Course Notification Form" or a similar form containing the information required in paragraph (3)(m)(v) of this section. All written notifications must be delivered to the director by United States Postal Service, fax, commercial delivery service, hand delivery, or by email. Instructions and sample forms can be obtained from the Utah Division of Air Quality Lead-Based Paint Program web site;

(vii) Renovator, dust sampling technician, or lead-based paint activities courses must not begin on a date, or at a location other than that specified in the original notification unless an updated notification identifying a new start date or location is submitted, in which case the course must begin on the new start date and/or location specified in the updated notification; and

(viii) No training program shall provide renovator, dust sampling technician, or lead-based paint activities courses without first notifying the director of such activities in accordance with the requirements of this paragraph.

(n) The training manager must provide notification following completion of renovator, dust sampling technician, or lead-based paint activities courses.

(i) The training manager must provide the director notification after the completion of any renovator, dust sampling technician, or lead-based paint activities course. This notification must be received by the director no later than 10 business days following course completion. Notifications for any e-learning renovator refresher course that does not include hands-on training must be submitted via written notification or electronically using the Utah Division of Air Quality electronic notification system no later than the 10th day of the month and include all students trained in the previous month. Written notification for any e-learning renovator refresher course, can be accomplished by using either the sample form titled "Renovator, Dust Sampling Technician, or Lead-Based Paint
Activities Training Course Notification Form" or a similar form containing the information required in paragraph (3)(n)(ii) of this section. All written notifications must be delivered to the director by United States Postal Service, fax, commercial delivery service, hand delivery, or by email. Instructions and sample forms can be obtained from the Utah Division of Air Quality Lead-Based Paint Program web site;

(ii) The notification must include the following:
(A) Training program name, address, and telephone number;
(B) Course discipline and type (initial/refresher);
(C) Date(s) of training;
(D) The following information for each student who took the course:
   (I) Name,
   (II) Address,
   (III) Date of birth,
   (IV) Course completion certificate number,
   (V) Course test score,
   (VI) For renovator or dust sampling technician courses, a digital photograph of the student, and
   (VII) For renovator refresher courses, the expiration date of the training certificate;
(E) Training manager's name and signature; and
(F) Utah Division of Air Quality Lead-Based Paint Program training verification statement.

(iii) Notification must be accomplished using any of the following methods: Written notification, or electronically using the Utah Division of Air Quality electronic notification system. Written notification following renovator, dust sampling technician, or lead-based paint activities training courses can be accomplished by using either the sample form titled "Renovator, Dust Sampling Technician, or Lead-Based Paint Activities Training Course Notification Form" or a similar form containing the information required in paragraph (3)(n)(ii) of this section. All written notifications must be delivered to the director by United States Postal Service, fax, commercial delivery service, hand delivery, or by email. Instructions and sample forms can be obtained from the Utah Division of Air Quality Lead-Based Paint Program web site.

(4) Minimum training curriculum requirements. A training program accredited by the director to offer lead-based paint courses in the specific disciplines listed in paragraph (4) must ensure that its courses of study include, at a minimum, the following course topics.
(a) Inspector. Instruction in the topics described in paragraphs (4)(a)(iv), (v), (vi), and (vii) of this section must be
included in the hands-on portion of the course.

(i) Role and responsibilities of an inspector;
(ii) Background information on lead and its adverse health effects;
(iii) Background information on federal, state, and local regulations and guidance that pertains to lead-based paint and lead-based paint activities;
(iv) Lead-based paint inspection methods, including selection of rooms and components for sampling or testing;
(v) Paint, dust, and soil sampling methodologies;
(vi) Clearance standards and testing, including random sampling;
(vii) Preparation of the final inspection report; and
(viii) Recordkeeping.

(b) Risk assessor. Instruction in the topics described in paragraphs (4)(b)(iv), (vi), and (vii) of this section must be included in the hands-on portion of the course.
(i) Role and responsibilities of a risk assessor;
(ii) Collection of background information to perform a risk assessment;
(iii) Sources of environmental lead contamination such as paint, surface dust and soil, water, air, packaging, and food;
(iv) Visual inspection for the purposes of identifying potential sources of lead-based paint hazards;
(v) Lead hazard screen protocol;
(vi) Sampling for other sources of lead exposure;
(vii) Interpretation of lead-based paint and other lead sampling results, including all applicable federal or state guidance or regulations pertaining to lead-based paint hazards;
(viii) Development of hazard control options, the role of interim controls, and operations and maintenance activities to reduce lead-based paint hazards; and
(ix) Preparation of a final risk assessment report.

(c) Supervisor. Instruction in the topics described in paragraphs (4)(c)(v), (vii), (viii), (ix), and (x) of this section must be included in the hands-on portion of the course.
(i) Role and responsibilities of a supervisor;
(ii) Background information on lead and its adverse health effects;
(iii) Background information on federal, state, and local regulations and guidance that pertain to lead-based paint abatement;
(iv) Liability and insurance issues relating to lead-based paint abatement;
(v) Risk assessment and inspection report interpretation;
(vi) Development and implementation of an occupant protection
plan and abatement report;
(vii) Lead-based paint hazard recognition and control;
(viii) Lead-based paint abatement and lead-based paint hazard
reduction methods, including restricted practices;
(ix) Interior dust abatement/cleanup or lead-based paint hazard
control and reduction methods;
(x) Soil and exterior dust abatement or lead-based paint hazard
control and reduction methods;
(xi) Clearance standards and testing;
(xii) Cleanup and waste disposal; and
(xiii) Recordkeeping.
(d) Project designer.
(i) Role and responsibilities of a project designer;
(ii) Development and implementation of an occupant protection
plan for large-scale abatement projects;
(iii) Lead-based paint abatement and lead-based paint hazard
reduction methods, including restricted practices for large-scale
abatement projects;
(iv) Interior dust abatement/cleanup or lead hazard control and
reduction methods for large-scale abatement projects;
(v) Clearance standards and testing for large scale abatement
projects; and
(vi) Integration of lead-based paint abatement methods with
modernization and rehabilitation projects for large scale abatement
projects.
(e) Abatement worker. Instruction in the topics described in
paragraphs (4)(e)(iv), (v), (vi), and (vii) of this section must be
included in the hands-on portion of the course.
(i) Role and responsibilities of an abatement worker;
(ii) Background information on lead and its adverse health
effects;
(iii) Background information on federal, state, and local
regulations and guidance that pertain to lead-based paint abatement;
(iv) Lead-based paint hazard recognition and control;
(v) Lead-based paint abatement and lead-based paint hazard
reduction methods, including restricted practices;
(vi) Interior dust abatement methods/cleanup or lead-based
paint hazard reduction; and
(vii) Soil and exterior dust abatement methods or lead-based
paint hazard reduction.
(f) Renovator. Instruction in the topics described in
paragraphs (4)(f)(iv), (vi), (vii), and (viii) of this section must
be included in the hands-on portion of the course.
(i) Role and responsibility of a renovator;
(ii) Background information on lead and its adverse health
effects;

(iii) Background information on EPA, HUD, OSHA, and other federal, state, and local regulations and guidance that pertains to lead-based paint and renovation activities;
(iv) Procedures for using acceptable test kits to determine whether paint is lead-based paint;
(v) Procedures for collecting a paint chip sample and sending it to a laboratory recognized by EPA under section 405(b) of TSCA;
(vi) Renovation methods to minimize the creation of dust and lead-based paint hazards;
(vii) Interior and exterior containment and cleanup methods;
(viii) Methods to ensure that the renovation has been properly completed, including cleaning verification, and clearance testing;
(ix) Waste handling and disposal;
(x) Providing on-the-job training to other workers; and
(xi) Record preparation.

(g) Dust sampling technician. Instruction in the topics described in paragraphs (4)(g)(iv) and (vi) of this section must be included in the hands-on portion of the course.

(i) Role and responsibility of a dust sampling technician;
(ii) Background information on lead and its adverse health effects;
(iii) Background information on federal, state, and local regulations and guidance that pertains to lead-based paint and renovation activities;
(iv) Dust sampling methodologies;
(v) Clearance standards and testing; and

(5) Requirements for the accreditation of refresher training programs. A training program may seek accreditation to offer refresher training courses in any of the following disciplines: Inspector, risk assessor, supervisor, project designer, abatement worker, renovator, and dust sampling technician. A training program accredited by the director to offer refresher training must meet the following minimum requirements:

(a) Each refresher course shall review the curriculum topics of the full-length courses listed under paragraph (4) of this section, as appropriate. In addition, to become accredited to offer refresher training courses, training programs shall ensure that their courses of study include, at a minimum, the following:
   (i) An overview of current safety practices relating to lead-based paint in general, as well as specific information pertaining to the appropriate discipline;
   (ii) Current laws and regulations relating to lead-based paint in general, as well as specific information pertaining to the
appropriate discipline; and

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

(b) Refresher courses for inspector, risk assessor, supervisor,
and abatement worker must last a minimum of 8 training hours.
Refresher courses for project designer, renovator, and dust sampling
 technician must last a minimum of 4 training hours. Refresher courses
for all disciplines except renovator and project designer must include
a hands-on component. Renovators must take a refresher course that
includes hands-on training at least every other re-certification;

(c) Except for e-learning renovator refresher courses and
project designer courses, for all other courses offered, the training
program shall conduct a hands-on assessment. With the exception of
project designer courses, the training program shall conduct a course
test at the completion of the course. Renovators must take a refresher
course that includes hands-on training at least every other
re-certification;

(d) A training program may apply for accreditation of a
refresher course concurrently with its application for accreditation
of the corresponding initial training course as described in paragraph
(2) of this section. If so, the director shall use the approval
procedure described in paragraph (2) of this section. In addition,
the minimum requirements contained in paragraphs (3)(a) through
(3)(e), (3)(f)(viii), and (3)(g) through (3)(n), and (5)(a) through
(5)(c) of this section shall also apply; and

(e) A training program seeking accreditation to offer refresher
training courses only shall submit a written application to the
director containing the following information:

(i) The refresher training program's name, address, and
telephone number;

(ii) A list of courses for which it is applying for
accreditation;

(iii) The name and documentation of the qualifications of the
training program manager;

(iv) The name(s) and documentation of the qualifications of the
principal instructor(s);

(v) A statement signed by the training program manager
certifying that the refresher training program meets the minimum
requirements established in paragraph (3) of this section, except for
the requirements in paragraph (3)(f) of this section. If a training
program uses EPA-developed model training materials, the training
manager shall include a statement certifying that, as well;

(vi) If the refresher training course materials are not based
on EPA-developed model training materials, the training program's
application for accreditation shall include:

(A) A copy of the student and instructor manuals to be used for each course; and

(B) A copy of the course agenda for each course;

(vii) All refresher training programs shall include in their application for accreditation the following:

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

(B) A copy of the course test blueprint for each course;

(C) A description of the activities and procedures that will be used for conducting the assessment of hands-on skills for each course (if applicable); and

(D) A copy of the quality control plan as described in paragraph (3)(i) of this section;

(viii) The requirements in paragraphs (3)(a) through (3)(e), (3)(f)(viii) and (3)(g) through (3)(n) of this section apply to refresher training providers; and

(ix) If a refresher training program meets the requirements listed in this paragraph, then the director shall approve the application for accreditation no more than 180 days after receiving a complete application from the refresher training program. In the case of approval, a certificate of accreditation shall be sent to the applicant. In the case of disapproval, a letter describing the reasons for disapproval shall be sent to the applicant. Prior to disapproval, the director may, at the director's discretion, work with the applicant to address inadequacies in the application for accreditation. The director may also request additional materials retained by the refresher training program under paragraph (8) of this section. If a refresher training program's application is disapproved, the program may reapply for accreditation at any time.

(6) Re-accreditation of training programs.

(a) Unless re-accredited, a training program's accreditation, including refresher training accreditation, shall expire 4 years after the date of issuance. If a training program meets the requirements of this section, the training program shall be re-accredited.

(b) A training program seeking re-accreditation shall submit an application to the director no later than 180 days before its accreditation expires. If a training program does not submit its application for re-accreditation by that date, the director cannot guarantee that the program will be re-accredited before the end of the accreditation period.

(c) The training program's application for re-accreditation shall contain:

(i) The training program's name, address, and telephone number;

(ii) A list of courses for which it is applying for
re-accreditation;
  (iii) The name and qualifications of the training program manager;
  (iv) The name(s) and qualifications of the principal instructor(s);
  (v) 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;
  (vi) A statement signed by the program manager stating:
    (A) That the training program complies at all times with all requirements in paragraphs (3) and (5) of this section, as applicable; and
    (B) The recordkeeping and reporting requirements of paragraph (8) of this section shall be followed; and
  (vii) A payment of appropriate fees in accordance with the current Department of Environmental Quality Fee Schedule.
(d) Upon request, the training program shall allow the director or the director's authorized representative to audit the training program to verify the contents of the application for re-accreditation as described in paragraph (6)(c) of this section.
(7) Suspension, revocation, and modification of accredited training programs.
  (a) The director may, after notice and an opportunity, for hearing, suspend, revoke, or modify training program accreditation, including refresher training accreditation, if a training program, training manager, or other person with supervisory authority over the training program has:
    (i) Misrepresented the contents of a training course to the director and/or the student population;
    (ii) Failed to submit required information or notifications in a timely manner;
    (iii) Failed to maintain required records;
    (iv) Falsified accreditation records, instructor qualifications, or other accreditation-related information or documentation;
    (v) Failed to comply with the training standards and requirements in this section;
    (vi) Failed to comply with federal, state, or local lead-based paint statutes or regulations; or
    (vii) Made false or misleading statements to the director in its application for accreditation or re-accreditation which the director relied upon 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.

(8) Training program recordkeeping requirements.
   (a) Accredited training programs shall maintain, and make
   available to the director or the director's authorized representative,
   upon request, the following records:
   (i) All documents specified in paragraph (3)(d) of this section
   that demonstrate the qualifications listed in paragraphs (3)(a) and
   (3)(b) of this section of the training manager and principal
   instructors;
   (ii) Current curriculum/course materials and documents
   reflecting any changes made to these materials;
   (iii) The course test blueprint;
   (iv) Information regarding how the hands-on assessment is
   conducted including, but not limited to:
      (A) Who conducts the assessment;
      (B) How the skills are graded;
      (C) What facilities are used; and
      (D) The pass/fail rate;
   (v) The quality control plan as described in paragraph (3)(i)
   of this section;
   (vi) Results of the students' hands-on skills assessments and
   course tests, and a record of each student's course completion
   certificate;
   (vii) Any other material not listed in paragraphs (8)(a)(i)
   through (8)(a)(vi) of this section that was submitted to the director
   as part of the program's application for accreditation.
   (viii) For renovator refresher and dust sampling technician
   refresher courses, a copy of each trainee's prior course completion
   certificate showing that each trainee was eligible to take the
   refresher course; and
   (ix) For course modules delivered in an electronic format, a
   record of each student's log-ins, launches, progress, and completion,
   and a copy of the electronic learning completion certificate for each
   student.
   (b) The training program must retain records pertaining to
   renovator, dust sampling technician and lead-based paint activities
   courses at the address specified on the training program accreditation
   application (or as modified in accordance with paragraph (8)(c) of this
   section) for the following minimum periods:
      (i) Records pertaining to lead-based paint activities courses
      must be retained for a minimum of 3 years and 6 months;
      (ii) Records pertaining to renovator or dust sampling
      technician courses offered must be retained for a minimum of 5 years
      and 6 months.
   (c) The training program shall notify the director in writing
within 30 days of changing the address specified on its training program accreditation application or transferring the records from that address.

(9) Amendment of accreditation.

(a) A training program must amend its accreditation within 90 days of the date a change occurs to information included in the program's most recent application. If the training program fails to amend its accreditation within 90 days of the date the change occurs, the program may not provide renovator, dust sampling technician, or lead-based paint activities training until its accreditation is amended.

(b) To amend an accreditation, a training program must submit a completed Division of Air Quality Lead-Based Paint Application for Course Accreditation, signed by an authorized agent of the training provider, noting on the form that it is submitted as an amendment and indicating the information that has changed.

(c) Training managers, principal instructors, permanent training locations. If the amendment includes a new training program manager, any new or additional principal instructor(s), or any new permanent training location(s), the training provider is not permitted to provide training under the new training manager or offer courses taught by any new principal instructor(s) or at the new training location(s) until the director either approves the amendment or 30 days have elapsed, whichever occurs earlier. Except:

(i) If the amendment includes a new training program manager or new or additional principal instructor that was identified in a training provider accreditation application that the director has already approved under this section, the training provider may begin to provide training under the new training manager or offer courses taught by the new principal instructor on an interim basis as soon as the provider submits the amendment to the director. The training provider may continue to provide training under the new training manager or offer courses taught by the new principal instructor if the director approves the amendment or if the director does not disapprove the amendment within 30 days.

(ii) If the amendment includes a new permanent training location, the training provider may begin to provide training at the new permanent training location on an interim basis as soon as the provider submits the amendment to the director. The training provider may continue to provide training at the new permanent training location if the director approves the amendment or if the director does not disapprove the amendment within 30 days.

R307-842-2. Certification of Individuals and Firms Engaged in Lead-Based Paint Activities: Target Housing and Child-Occupied
Facilities.

(1) Certification of individuals.

(a) Individuals seeking certification by the director to engage in lead-based paint activities must either:

(i) Submit to the director an application demonstrating that they meet the requirements established in paragraphs (2) or (3) of this section for the particular discipline for which certification is sought; or

(ii) Submit to the director an application with a copy of a valid lead-based paint activities certification (or equivalent) from the EPA or a state or tribal program that has been authorized by EPA pursuant to subpart Q of 40 CFR 745; or

(iii) For supervisor, inspector, and/or risk assessor certification, submit to the director an application with a copy of a valid lead-based paint training certificate from an EPA-accredited, or EPA-authorized state or tribal-accredited lead-specific training in the appropriate discipline and pass the certification exam in the appropriate discipline offered by the director.

(b) Following the submission of an application demonstrating that all the requirements of this section have been met, the director shall certify an applicant as an inspector, risk assessor, supervisor, project designer, or abatement worker, as appropriate.

(c) Upon receiving director certification, individuals conducting lead-based paint activities shall comply with the work practice standards for performing the appropriate lead-based paint activities as established in R307-842-3.

(d) It shall be a violation of state administrative rules for an individual to conduct any of the lead-based paint activities described in R307-842-3 if that individual has not been certified by the director pursuant to this section to do so.

(e) Individuals applying for certification must submit the appropriate fees in accordance with the current Department of Environmental Quality Fee Schedule.

(2) Inspector, risk assessor or supervisor.

(a) To become certified by the director as an inspector, risk assessor, or supervisor, pursuant to paragraph (1)(a)(i) of this section, an individual must:

(i) Successfully complete an accredited initial training course in the appropriate discipline and receive a course completion certificate from an accredited training program;

(ii) Pass the certification exam in the appropriate discipline offered by the director; and

(iii) Meet or exceed the following experience and/or education requirements:

(A) Inspectors. No additional experience and/or education
requirements;
(B) Risk assessors.
(I) Successful completion of an accredited initial training
course for inspectors; and
(II) Bachelor's degree and 1 year of experience in a related
field (e.g., lead, asbestos, environmental remediation work, or
construction), or an Associates degree and 2 years experience in a
related field (e.g., lead, asbestos, environmental remediation work,
or construction); or
(III) Certification as an industrial hygienist, professional
engineer, registered architect and/or certification in a related
engineering/health/environmental field (e.g., safety professional,
environmental scientist); or
(IV) A high school diploma (or equivalent), and at least 3 years
of experience in a related field (e.g., lead, asbestos, environmental
remediation work or construction);
(C) Supervisor.
(I) One year of experience as a certified lead-based paint
abatement worker; or
(II) At least 2 years of experience in a related field (e.g.,
lead, asbestos, or environmental remediation work) or in the building
trades.
(b) The following documents shall be recognized by the director
as evidence of meeting the requirements listed in (2)(b)(iii) of this
paragraph:
(i) Official academic transcripts or diploma, as evidence of
meeting the education requirements;
(ii) Resumes, letters of reference, or documentation of work
experience, as evidence of meeting the work experience requirements;
and
(iii) Course completion certificates from lead-specific or
other related training courses, issued by accredited training
programs, as evidence of meeting the training requirements.
(c) In order to take the certification examination for a
particular discipline an individual must:
(i) Successfully complete an accredited initial training course
in the appropriate discipline and receive a course completion
certificate from an accredited training program; and
(ii) Meet or exceed the education and/or experience
requirements in paragraph (2)(a)(iii) of this section.
(d) The initial training course completion certificate shall
serve as interim certification for an individual until the next
available opportunity to take the certification exam. Such interim
certification shall expire 6 months after issuance.
(e) After passing the appropriate certification exam and
submitting an application demonstrating that he/she meets the appropriate training, education, and/or experience prerequisites described in paragraph (2)(a) of this section, an individual shall be issued a certificate by the director. To maintain certification, an individual must be re-certified as described in paragraph (4) of this section.

(f) An individual may take the certification exam no more than three times within 6 months of receiving an initial training course completion certificate.

(g) If an individual does not pass the certification exam and receive a certificate within 6 months of receiving his/her initial training course completion certificate, the individual must retake the appropriate initial training course from an accredited training program before reapplying for certification from the director.

(3) Abatement worker and project designer.

(a) To become certified by the director as an abatement worker or project designer, pursuant to paragraph (1)(a)(i) of this section, an individual must:

(i) Successfully complete an accredited initial training course in the appropriate discipline and receive a course completion certificate from an accredited training program; and

(ii) Meet or exceed the following additional experience and/or education requirements:

(A) Abatement workers. No additional experience and/or education requirements; and

(B) Project designers.

(I) Successful completion of an accredited initial training course for supervisors;

(II) Bachelor's degree in engineering, architecture, or a related profession, and 1 year of experience in building construction and design or a related field; or

(III) Four years of experience in building construction and design or a related field.

(b) The following documents shall be recognized by the director as evidence of meeting the requirements listed in this paragraph:

(i) Official academic transcripts or diploma, as evidence of meeting the education requirements;

(ii) Resumes, letters of reference, or documentation of work experience, as evidence of meeting the work experience requirements; and

(iii) Course completion certificates from lead-specific or other related training courses, issued by accredited training programs, as evidence of meeting the training requirements.

(c) The initial training course completion certificate shall serve as an interim certification until certification from the
director is received, but shall be valid for no more than 6 months from the date of completion.

(d) After successfully completing the appropriate initial training courses and meeting any other qualifications described in paragraph (3)(a) of this section, an individual shall be issued a certificate from the director. To maintain certification, an individual must be re-certified as described in paragraph (4) of this section.

(4) Re-certification.

(a) To maintain certification in a particular discipline, a certified individual shall apply to and be re-certified by the director in that discipline by the director either:

(i) Every 3 years if the individual completed a training course with a course test and hands-on assessment; or

(ii) Every 5 years if the individual completed a training course with a proficiency test.

(b) An individual shall be re-certified if the individual successfully completes the appropriate accredited refresher training course and submits a valid copy of the appropriate refresher training course completion certificate. For the supervisor, inspector, or risk assessor disciplines, if more than 3 years but less than 4 years have passed since certification or re-certification for an individual that completed an initial or a refresher training course with a course test and hands-on assessment, or if more than 5 years but less than 6 years have passed since certification or re-certification for an individual that completed an initial or a refresher training course with a proficiency test, then the individual must also pass the certification exam in the appropriate discipline offered by the director. During the time period when the individual is not certified by the director, that individual cannot perform any regulated work activities that requires individual certification.

(c) Individuals applying for re-certification must submit the appropriate fees in accordance with the current Department of Environmental Quality Fee Schedule.

(5) Certification of firms.

(a) All firms which perform or offer to perform any of the lead-based paint activities or renovations described in R307-842-3 shall be certified by the director.

(b) A firm seeking certification shall submit to the director a letter attesting that the firm shall only employ appropriately certified employees to conduct lead-based paint activities, and that the firm and its employees shall follow the work practice standards in R307-842-3 for conducting lead-based paint activities.

(c) From the date of receiving the firm's letter requesting certification, the director shall have 90 days to approve or disapprove
the firm's request for certification. Within that time, the director shall respond with either a certificate of approval or a letter describing the reasons for disapproval.

(d) The firm shall maintain all records pursuant to the requirements in R307-842-3.

(e) Firms may apply to the director for certification to engage in lead-based paint activities pursuant to this section.

(f) Firms applying for certification or re-certification must submit the appropriate fees in accordance with the current Department of Environmental Quality Fee Schedule.

(6) Suspension, revocation, and modification of certifications of individuals engaged in lead-based paint activities.

(a) The director may, after notice and opportunity for hearing, suspend, revoke, or modify an individual's certification if an individual has:

(i) Obtained training documentation through fraudulent means;

(ii) Gained admission to and completed an accredited training program through misrepresentation of admission requirements;

(iii) Obtained certification through misrepresentation of certification requirements or related documents dealing with education, training, professional registration, or experience;

(iv) Performed work requiring certification at a job site without having proof of certification;

(v) Permitted the duplication or use of the individual's own certificate by another;

(vi) Performed work for which certification is required, but for which appropriate certification has not been received;

(vii) Failed to comply with the work practice standards for lead-based paint activities at R307-842-3; or

(viii) Failed to comply with federal, state, or local lead-based paint statutes or regulations.

(b) 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.

(7) Suspension, revocation, and modification of certifications of firms engaged in lead-based paint activities.

(a) The director may, after notice and opportunity for hearing, suspend, revoke, or modify a firm's certification if a firm has:

(i) Performed work requiring certification at a job site with individuals who are not certified;

(ii) Failed to comply with the work practice standards established in R307-842-3;

(iii) Misrepresented facts in its letter of application for certification to the director;
(iv) Failed to maintain required records; or
(v) Failed to comply with federal, state, or local lead-based paint statutes or regulations.

(b) 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.

R307-842-3. Work Practice Standards for Conducting Lead-Based Paint Activities: Target Housing and Child-Occupied Facilities.

(1) Effective date, applicability, and terms.

(a) All lead-based paint activities shall be performed pursuant to the work practice standards contained in this section.

(b) When performing any lead-based paint activity described by the certified individual as an inspection, lead-hazard screen, risk assessment, or abatement, a certified individual must perform that activity in compliance with the appropriate requirements below.

(c) Documented methodologies that are appropriate for this section are found in the following: the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, the EPA Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust, and Lead-Contaminated Soil, the EPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling (EPA report number 7474-R-95-001), and other equivalent methods and guidelines.

(d) Clearance levels are appropriate for the purposes of this section may be found in the EPA Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust, and Lead Contaminated Soil or other equivalent guidelines.

(2) Inspection.

(a) An inspection shall be conducted only by a person certified by the director as an inspector or risk assessor and, if conducted, must be conducted according to the procedures in this paragraph.

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

(i) 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, except those components that the inspector or risk assessor determines to have been replaced after 1978, or to not contain lead-based paint; and

(ii) In a multi-family dwelling or child-occupied facility, each component with a distinct painting history in every common area, except those components that the inspector or risk assessor determines to have been replaced after 1978, or to not contain lead-based paint.
(c) Paint shall be sampled in the following manner:
   (i) The analysis of paint to determine the presence of lead shall be conducted using documented methodologies which incorporate adequate quality control procedures; and/or
   (ii) All collected paint chip samples shall be analyzed according to paragraph (6) of this section to determine if they contain detectable levels of lead that can be quantified numerically.
(d) The certified inspector or risk assessor shall prepare an inspection report which shall include the following information:
   (i) Date of each inspection;
   (ii) Address of building;
   (iii) Date of construction;
   (iv) Apartment numbers (if applicable);
   (v) Name, address, and telephone number of the owner or owners of each residential dwelling or child-occupied facility;
   (vi) Name, signature, and certification number of each certified inspector and/or risk assessor conducting testing;
   (vii) Name, address, and telephone number of the certified firm employing each inspector and/or risk assessor, if applicable;
   (viii) Each testing method and device and/or sampling procedure employed for paint analysis, including quality control data and, if used, the serial number of any x-ray fluorescence (XRF) device;
   (ix) Specific locations of each painted component tested for the presence of lead-based paint; and
   (x) The results of the inspection expressed in terms appropriate to the sampling method used.
(3) Lead hazard screen.
   (a) A lead hazard screen shall be conducted only by a person certified by the director as a risk assessor.
   (b) If conducted, a lead hazard screen shall be conducted as follows:
      (i) 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 or more children age 6 years and under shall be collected;
      (ii) 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 dust sampling locations;
         (iii) 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;
      (iv) In residential dwellings, two composite dust samples shall
be collected, one from the floors and the other from the windows, in
rooms, hallways, or stairwells where one or more children, age 6 and
under, are most likely to come in contact with dust; and
(v) In multi-family dwellings and child-occupied facilities, in
addition to the floor and window samples required in paragraph
(3)(b)(iv) of this section, the risk assessor shall also collect
composite dust samples from common areas where one or more children,
age 6 and under, are most likely to come into contact with dust.
(c) Dust samples shall be collected and analyzed in the
following manner:
(i) All dust samples shall be taken using documented
methodologies that incorporate adequate quality control procedures;
and
(ii) All collected dust samples shall be analyzed according to
paragraph (6) of this section to determine if they contain detectable
levels of lead that can be quantified numerically.
(d) Paint shall be sampled in the following manner:
(i) The analysis of paint to determine the presence of lead shall
be conducted using documented methodologies which incorporate
adequate quality control procedures; and/or
(ii) All collected paint chip samples shall be analyzed
according to paragraph (6) of this section to determine if they contain
detectable levels of lead that can be quantified numerically.
(e) The risk assessor shall prepare a lead hazard screen report,
which shall include the following information:
(i) The information required in a risk assessment report as
specified in paragraph (4) of this section, including paragraphs
(4)(k)(i) through (4)(k)(xiv), and excluding paragraphs (4)(k)(xv)
through (4)(k)(xviii) of this section. Additionally, any background
information collected pursuant to paragraph (3)(b)(i) of this section
shall be included in the lead hazard screen report; and
(ii) Recommendations, if warranted, for a follow-up risk
assessment, and as appropriate, any further actions.
(4) Risk assessment.
(a) A risk assessment shall be conducted only by a person
certified by the director as a risk assessor and, if conducted, must
be conducted according to the procedures in this paragraph.
(b) A visual inspection for risk assessment of the residential
dwelling or child-occupied facility shall be undertaken to locate the
existence of deteriorated paint, assess the extent and causes of the
deterioration, and other potential lead-based paint hazards.
(c) Background information regarding the physical
characteristics of the residential dwelling or child-occupied
facility and occupant use patterns that may cause lead-based paint
exposure to one or more children age 6 years and under shall be
collected. (d) The following surfaces which are determined, using documented methodologies, to have a distinct painting history, shall be tested for the presence of lead:
   (i) Each friction surface or impact surface with visibly deteriorated paint; and
   (ii) All other surfaces with visibly deteriorated paint.
(e) In residential dwellings, dust samples (either composite or single-surface samples) from the interior window sill(s) and floor shall be collected and analyzed for lead concentration in all living areas where one or more children, age 6 and under, are most likely to come into contact with dust.
(f) For multi-family dwellings and child-occupied facilities, the samples required in paragraph (4)(d) of this section shall be taken. In addition, interior window sill and floor dust samples (either composite or single-surface samples) shall be collected and analyzed for lead concentration in the following locations:
   (i) Common areas adjacent to the sampled residential dwelling or child-occupied facility; and
   (ii) Other common areas in the building where the risk assessor determines that one or more children, age 6 and under, are likely to come into contact with dust.
(g) For child-occupied facilities, interior window sill and floor dust samples (either composite or single-surface samples) shall be collected and analyzed for lead concentration in each room, hallway, or stairwell utilized by one or more children, age 6 and under, and in other common areas in the child-occupied facility where one or more children, age 6 and under, are likely to come into contact with dust.
(h) Soil samples shall be collected and analyzed for lead concentrations in the following locations:
   (i) Exterior play areas where bare soil is present;
   (ii) The rest of the yard (i.e., non-play areas) where bare soil is present; and
   (iii) Dripline/foundation areas where bare soil is present.
(i) Any paint, dust, or soil sampling or testing shall be conducted using documented methodologies that incorporate adequate quality control procedures.
(j) Any collected paint chip, dust, or soil samples shall be analyzed according to paragraph (6) of this section to determine if they contain detectable levels of lead that can be quantified numerically.
(k) The certified risk assessor shall prepare a risk assessment report which shall include the following information:
   (i) Date of assessment;
   (ii) Address of each building;
(iii) Date of construction of buildings;
(iv) Apartment number (if applicable);
(v) Name, address, and telephone number of each owner of each
building;
(vi) Name, signature, and certification number of the certified
risk assessor conducting the assessment;
(vii) Name, address, and telephone number of the certified firm
employing each certified risk assessor if applicable;
(viii) Name, address, and telephone number of each recognized
laboratory conducting analysis of collected samples;
(ix) Results of the visual inspection;
(x) Testing method and sampling procedure for paint analysis
employed;
(xi) Specific locations of each painted component tested for the
presence of lead;
(xii) All data collected from on-site testing, including
quality control data and, if used, the serial number of any XRF device.
(xiii) All results of laboratory analysis on collected paint,
soil, and dust samples;
(xiv) Any other sampling results;
(xv) Any background information collected pursuant to paragraph
(4)(c) of this section;
(xvi) 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;
(xvii) A description of the location, type, and severity of
identified lead-based paint hazards and any other potential lead
hazards; and
(xviii) A description of interim controls and/or abatement
options for each identified lead-based paint hazard and a suggested
prioritization for addressing each hazard. If the use of an
encapsulant or enclosure is recommended, the report shall recommend
a maintenance and monitoring schedule for the encapsulant or
enclosure.
(5) Abatement.
(a) An abatement shall be conducted only by an individual
certified by the director, and if conducted, shall be conducted
according to the procedures in this paragraph.
(b) A certified supervisor is required for each abatement
project and shall be onsite during all work site preparation and during
the post-abatement cleanup of work areas. At all other times when
abatement activities are being conducted, the certified supervisor
shall be onsite or available by telephone, pager or answering service,
and able to be present at the work site in no more than 2 hours.
(c) The certified supervisor and the certified firm 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.

(d) A certified firm must notify the director of lead-based paint abatement activities as follows:

(i) Except as provided in paragraph (5)(d)(ii) of this section, the director must be notified prior to conducting lead-based paint abatement activities. The original notification must be received by the director at least 5 business days before the start date of any lead-based paint abatement activities;

(ii) Notification for lead-based paint abatement activities required in response to an elevated blood lead level (EBL) determination, or federal, state, tribal, or local emergency abatement order should be received by the director as early as possible before, but must be received no later than the start date of the lead-based paint abatement activities. Should the start date and/or location provided to the director change, an updated notification must be received by the director on or before the start date provided to the director. Documentation showing evidence of an EBL determination or a copy of the federal/state/tribal/local emergency abatement order must be included in the written notification to take advantage of this abbreviated notification period;

(iii) Except as provided in paragraph (5)(d)(ii) of this section, updated notification must be provided to the director for lead-based paint abatement activities that will begin on a date other than the start date specified in the original notification, as follows:

(A) For lead-based paint abatement activities beginning prior to the start date provided to the director an updated notification must be received by the director at least 5 business days before the new start date included in the notification; and

(B) For lead-based paint abatement activities beginning after the start date provided to the director an updated notification must be received by the director on or before the start date provided to the director;

(iv) Except as provided in paragraph (5)(d)(ii) of this section, updated notification must be provided to the director for any change in location of lead-based paint abatement activities at least 5 business days prior to the start date provided to the director;

(v) Updated notification must be provided to the director when lead-based paint abatement activities are canceled, or when there are other significant changes including, but not limited to, when the square footage or acreage to be abated changes by more than 20%. This updated notification must be received by the director on or before the start date provided to the director, or if work has already begun,
within 24 hours of the change;

(vi) The following must be included in each notification:

(A) Notification type (original, updated, or cancellation);
(B) Date when lead-based paint abatement activities will start;
(C) Date when lead-based paint abatement activities will end
   (approximation using best professional judgment);
(D) Firm's name, Utah lead-based paint firm certification
   number, address, and telephone number;
(E) Type of building (e.g., single family dwelling, multi-family dwelling, and/or child-occupied facilities) on/in which
   abatement work will be performed;
(F) Property name (if applicable);
(G) Property address including apartment or unit number(s) (if applicable) for abatement work;
(H) Documentation showing evidence of an EBL determination or a copy of the federal/state/tribal/local emergency abatement order,
   if using the abbreviated time period as described in paragraph (5)(d)(ii) of this section;
(I) Name and Utah lead-based paint individual certification number of the project supervisor;
(J) Approximate square footage/acreage to be abated;
(K) Brief description of abatement activities to be performed; and

(L) Name, title, and signature of the representative of the certified firm who prepared the notification;

(vii) Notification must be accomplished using any of the following methods: Written notification, or electronically using the Utah Division of Air Quality electronic notification system. Written notification can be accomplished using either the sample form titled "Lead-Based Paint Abatement Project Notification" or similar form containing the information required in paragraph (5)(d)(vi) of this section. All written notifications must be delivered by United States Postal Service, fax, commercial delivery service, hand delivery, or by email on or before the applicable date. Instructions and sample forms can be obtained from the Utah Division of Air Quality Lead-Based Paint Program web site;

(viii) Lead-based paint abatement activities shall not begin on a date, or at a location other than that specified in either an original or updated notification, in the event of changes to the original notification; and

(ix) No firm or individual shall engage in lead-based paint abatement activities, as defined in R307-840-2, prior to notifying the director of such activities according to the requirements of this paragraph.

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

(i) 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; and

(ii) A certified supervisor or project designer shall prepare the occupant protection plan.

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

(i) Interior abatement. The firm must:

(A) Remove all objects from the work area, including furniture, rugs, and window coverings, or cover them with plastic sheeting or other impermeable material with all seams and edges taped or otherwise sealed;

(B) Close and cover all duct openings in the work area with taped-down plastic sheeting or other impermeable material;

(C) Close windows and doors in the work area. Doors must be covered with plastic sheeting or other impermeable material and sealed with duct tape or equivalent. Doors used as an entrance to the work area must be covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area;

(D) Cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing abatement or a sufficient distance to contain the dust, whichever is greater. Floor containment measures may stop at the edge of the vertical barrier when using a vertical containment system consisting of impermeable barriers that extend from the floor to the ceiling and are tightly sealed at joints with the floor, ceiling, and walls; and

(E) Use precautions to ensure that all personnel, tools, and other items, including the exterior of containers of waste, are free of dust and debris before leaving the work area.

(ii) Exterior abatement. The firm must:
(A) Close all doors and windows within 20 feet of the abatement. On multi-story buildings, close all doors and windows within 20 feet of the abatement on the same floor as the abatement, and close all doors and windows on all floors below that are the same horizontal distance from the abatement;

(B) Ensure that doors within the work area that will be used while the job is being performed are covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area;

(C) Cover the ground with plastic sheeting or other disposable impermeable material extending 10 feet beyond the perimeter of surfaces undergoing abatement or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground covering. Ground containment measures may stop at the edge of the vertical barrier when using a vertical containment system; and

(D) If the abatement will affect surfaces within 10 feet of the property line, the lead-based paint firm must erect vertical containment or equivalent precautions in containing the work area to ensure that dust and debris from the abatement does not contaminate adjacent buildings or migrate to adjacent properties. Vertical containment or equivalent extra precautions in containing the work area may also be necessary in other situations in order to prevent contamination of other buildings, other areas of the property, or adjacent buildings or properties.

(g) The work practices listed below shall be restricted during an abatement as follows:

(i) Open-flame burning or torching of lead-based paint is prohibited;

(ii) Machine sanding or grinding or abrasive blasting or sandblasting of lead-based paint is prohibited unless used with High Efficiency Particulate Air (HEPA) exhaust control which removes particles of 0.3 microns or larger from the air at 99.97% or greater efficiency;

(iii) 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 2 square feet in any one room, hallway, or stairwell or totaling no more than 20 square feet on exterior surfaces; and

(iv) Operating a heat gun on lead-based paint is permitted only at temperatures below 1100 degrees Fahrenheit.

(h) Waste from abatement.

(i) Waste from the abatement activity must be contained to prevent releases of dust and debris before the waste is removed from the work area for storage or disposal. If a chute is used to remove
(ii) At the conclusion of each work day and at the conclusion of the abatement, waste that has been collected from the abatement must be stored under containment, in an enclosure, or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris.

(iii) When the firm transports waste from the abatement, the firm must contain the waste to prevent release of dust and debris.

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

(i) If the soil is removed:

(A) The soil shall be replaced by soil with a lead concentration as close to local background as practicable, but no greater than 400 ppm; and

(B) The soil that is removed shall not be used as top soil at another residential property or child-occupied facility; or

(ii) If soil is not removed, the soil shall be permanently covered, as defined in R307-840-2.

(j) The following post-abatement clearance procedures shall be performed only by a certified inspector or risk assessor:

(i) Following an abatement, a visual inspection shall be performed to determine if deteriorated painted surfaces and/or visible amounts of dust, debris, or residue are still present. If deteriorated painted surfaces or visible amounts of dust, debris, or residue are present, these conditions must be eliminated prior to the continuation of the clearance procedures;

(ii) Following the visual inspection and any post-abatement cleanup required by paragraph (5)(h)(i) of this section, clearance sampling for lead in dust shall be conducted. Clearance sampling may be conducted by employing single-surface sampling or composite sampling techniques;

(iii) Dust samples for clearance purposes shall be taken using documented methodologies that incorporate adequate quality control procedures;

(iv) Dust samples for clearance purposes shall be taken a minimum of 1 hour after completion of final post-abatement cleanup activities;

(v) 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 residential dwelling or child-occupied facility:

(A) After conducting an abatement with containment between abated and unabated areas, one dust sample shall be taken from one interior window sill and from one window trough (if present) and one dust sample shall be taken from the floors of each of no less than four
rooms, hallways, or stairwells within the containment area. In addition, one dust sample shall be taken from the floor outside the containment area. If there are less than four 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, two dust samples shall be taken from each of no less than four rooms, hallways, or stairwells in the residential dwelling or child-occupied facility. One dust sample shall be taken from one interior window sill and window trough (if present) and one dust sample shall be taken from the floor of each room, hallway, or stairwell selected. If there are less than four rooms, hallways, or stairwells within the residential dwelling or child-occupied facility, then all rooms, hallways, or stairwells shall be sampled; and

(C) Following an exterior paint abatement, a visible inspection shall be conducted. All horizontal surfaces in the outdoor living area closest to the abated surface shall be found to be cleaned of visible dust and debris. In addition, a visual inspection shall be conducted to determine the presence of paint chips on the dripline or next to the foundation below any exterior surface abated. If paint chips are present, they must be removed from the site and properly disposed of, according to all applicable federal, state, and local requirements;

(vi) The rooms, hallways, or stairwells selected for sampling shall be selected according to documented methodologies;

(vii) The certified inspector or risk assessor shall compare the residual lead level (as determined by the laboratory analysis) from each single surface dust sample with clearance levels in paragraph (5)(h)(viii) of this section for lead in dust on floors, interior window sills, and window troughs or from each composite dust sample with the applicable clearance levels for lead in dust on floors, interior window sills, and window troughs divided by half the number of subsamples in the composite sample. If the residual lead level in a single surface dust sample equals or exceeds the applicable clearance level or if the residual lead level in a composite dust sample equals or exceeds the applicable clearance level divided by half the number of subsamples in the composite sample, the components represented by the failed sample shall be recleaned and retested; and

(viii) The clearance levels for lead in dust are 10 ug/ft² for floors, 100 ug/ft² for interior window sills, and 400 ug/ft² for window troughs.

(ix) Occupants of the home shall not be allowed into the abatement work area until clearance dust sample results are received by the inspector or risk assessor and are found to be acceptable according to dust-lead clearance level standards.
(k) In a multi-family dwelling with similarly constructed and maintained residential dwellings, random sampling for the purposes of clearance may be conducted provided:

(i) The certified individuals who abate or clean the residential dwellings do not know which residential dwelling will be selected for the random sample;

(ii) A sufficient number of residential dwellings are selected for dust sampling to provide a 95% level of confidence that no more than 5% or 50 of the residential dwellings (whichever is smaller) in the randomly sampled population exceed the appropriate clearance levels; and

(iii) The randomly selected residential dwellings shall be sampled and evaluated for clearance according to the procedures found in paragraph (5)(h) of this section.

(l) An abatement report shall be prepared by a certified supervisor or project designer no later than 30 business days after receiving the results of final clearance testing and all soil analyses (if applicable). The abatement report shall include the following information:

(i) Start and completion dates of abatement;

(ii) The name and address of each certified firm conducting the abatement and the name of each supervisor assigned to the abatement project;

(iii) The occupant protection plan prepared pursuant to paragraph (5)(e) of this section;

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

(v) The results of clearance testing and all soil analyses (if applicable) and the name of each recognized laboratory that conducted the analyses; and

(vi) A detailed written description of the abatement, including abatement methods used, locations of rooms and/or components where abatement occurred, reason for selecting particular abatement methods for each component, and any suggested monitoring of encapsulants or enclosures.

(6) Collection and laboratory analysis of samples. Any paint chip, dust, or soil samples collected pursuant to the work practice standards contained in this section shall be:

(a) Collected by persons certified by the director as an inspector or risk assessor; and

(b) Analyzed by a laboratory recognized by EPA pursuant to Section 405(b) of TSCA as being capable of performing analyses for lead compounds in paint chip, dust, and soil samples.

(7) Composite dust sampling. Composite dust sampling may only
be conducted in the situations specified in paragraphs (3) through (5) of this section. If such sampling is conducted, the following conditions shall apply:

(a) Composite dust samples shall consist of at least two subsamples;

(b) Every component that is being tested shall be included in the sampling; and

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

(8) Determinations.

(a) Lead-based paint is present:

(i) On any surface that is tested and found to contain lead equal to or in excess of 1.0 milligrams per square centimeter or equal to or in excess of 0.5% by weight; and

(ii) On any surface like a surface tested in the same room equivalent that has a similar painting history and that is found to be lead-based paint.

(b) A paint-lead hazard is present:

(i) On any friction surface that is subject to abrasion and where the lead dust levels on the nearest horizontal surface underneath the friction surface (e.g., the window sill or floor) are equal to or greater than the dust hazard levels identified in the definition of "Dust-lead hazard" in R307-840-2;

(ii) On any chewable lead-based paint surface on which there is evidence of teeth marks;

(iii) Where there is any damaged or otherwise deteriorated lead-based paint on an impact surface that is caused by impact from a related building component (such as a door knob that knocks into a wall or a door that knocks against its door frame); and

(iv) If there is any other deteriorated lead-based paint in any residential building or child-occupied facility or on the exterior of any residential building or child-occupied facility.

(c) A dust-lead hazard is present in a residential dwelling or child-occupied facility:

(i) In a residential dwelling on floors and interior window sills when the weighted arithmetic mean lead loading for all single surface or composite samples of floors and interior window sills are equal to or greater than 10 ug/ft² for floors and 100 ug/ft² for interior window sills, respectively;

(ii) On floors or interior window sills in an unsampled residential dwelling in a multi-family dwelling, if a dust-lead hazard is present on floors or interior window sills, respectively, in at least one sampled residential unit on the property; and

(iii) On floors or interior window sills in an unsampled common area in a multi-family dwelling, if a dust-lead hazard is present on
floors or interior window sills, respectively, in at least one sampled
common area in the same common area group on the property.
   (d) A soil-lead hazard is present:
      (i) In a play area when the soil-lead concentration from a
composite play area sample of bare soil is equal to or greater than
400 parts per million; or
      (ii) In the rest of the yard when the arithmetic mean lead
concentration from a composite sample (or arithmetic mean of composite
samples) of bare soil from the rest of the yard (i.e., non-play areas)
for each residential building on a property is equal to or greater than
1,200 parts per million.
   (9) Recordkeeping. All reports or plans required in this
section shall be maintained by the certified firm or individual who
prepared the report for no fewer than 3 years. The certified firm or
individual also shall provide copies of these reports to the building
owner who contracted for its services.

R307-842-4. Lead-Based Paint Activities Requirements.
   Lead-based paint activities, as defined in R307-840-2, shall only
be conducted according to the procedures and work practice standards
contained in R307-842-3 of this rule. No individual or firm may offer
to perform or perform any lead-based paint activity as defined in
R307-840-2, unless certified to perform that activity according to the
procedures in R307-842-2.

R307-842-5. Work Practice Requirements for Lead-Based Paint Hazards.
   Applicable certification, occupant protection, and clearance
requirements and work practice standards are found in R307-842 and in
regulations issued by HUD at 24 CFR Part 35, Subpart R. The work
practice standards in those regulations do not apply when treating
paint-lead hazards of less than:
   (a) Two square feet of deteriorated lead-based paint per room
or equivalent,
   (b) Twenty square feet of deteriorated paint on the exterior
building, or
   (c) Ten percent of the total surface area of deteriorated paint
on an interior or exterior type of component with a small surface area.

KEY: paint, lead-based paint, lead-based paint abatement

Date of Enactment or Last Substantive Amendment: May 9, 2017
Notice of Continuation: December 9, 2019
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(i)
ITEM 5
MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bryce, Executive Secretary

FROM: Mat Carlile, Acting Rules Coordinator

DATE: August 17, 2021

SUBJECT: PROPOSE FOR PUBLIC COMMENT: Repeal R307-121. General Requirements: Clean Air and Efficient Vehicle Tax Credit.

During the five-year review analysis, the Division of Air Quality staff determined that R307-121 is no longer needed because the Utah State Legislature did not renew the sections of the Utah Code that govern and allow the Utah Clean Fuel Tax Credit.

Recommendation: Staff recommends that the Board propose the repeal of R307-121 for public comment.
NOTICE OF PROPOSED RULE

TYPE OF RULE: New ___; Amendment ___; Repeal __; Repeal and Reenact ___

Title No. - Rule No. - Section No.

Utah Admin. Code Ref (R no.): R307-121

Changed to Admin. Code Ref. (R no.): R

Agency Information

1. Department: Utah Department of Environmental Quality
Agency: Utah Division of Air Quality
Room no.:
Building: Multi-Agency State Office Building
Street address: 195 North 1950 West
City, state and zip: Salt Lake City, Utah, 84116
Mailing address: P.O. Box 144820
City, state and zip: Salt Lake City, UT 84114-4820
Contact person(s):
Name: Mat Carlile
Phone: 385-306-3565
Email: mcarlile@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:
R307-121 General Requirements: Clean Air and Efficient Vehicle Tax Credit

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
During the five-year review analysis, the Division of Air Quality (DAQ) staff determined that this rule is no longer needed because the Utah State Legislature did not renew the sections of the Utah Code that govern and allow the Utah Clean Fuel Tax Credit. The Legislature allowed the code to lapse as of December 31, 2016.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This rule is repealed in its entirety.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:
There are no anticipated costs or savings to the state budget because the tax credit no longer exists.

B) Local governments:
There are no anticipated costs or savings to local governments because this rulemaking is not applicable to them.

C) Small businesses ("small business" means a business employing 1-49 persons):
There are no anticipated costs or savings to small businesses because the tax credit no longer exists.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no anticipated costs or savings to non-small businesses because the tax credit no longer exists.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):

There are no anticipated costs or savings for Persons other than small businesses, and non-small businesses, state, or local government because the tax credit no longer exists.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no anticipated compliance costs for affected persons.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

We do not expect any measurable fiscal impacts on businesses due to this rule repeal.

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

<table>
<thead>
<tr>
<th>Regulatory Impact Table</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fiscal Cost</strong></td>
</tr>
<tr>
<td>FY2022</td>
</tr>
<tr>
<td>State Government</td>
</tr>
<tr>
<td>Local Governments</td>
</tr>
<tr>
<td>Small Businesses</td>
</tr>
<tr>
<td>Non-Small Businesses</td>
</tr>
<tr>
<td>Other Persons</td>
</tr>
<tr>
<td><strong>Total Fiscal Cost</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Fiscal Benefits</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>FY2022</td>
</tr>
<tr>
<td>State Government</td>
</tr>
<tr>
<td>Local Governments</td>
</tr>
<tr>
<td>Small Businesses</td>
</tr>
<tr>
<td>Non-Small Businesses</td>
</tr>
<tr>
<td>Other Persons</td>
</tr>
<tr>
<td><strong>Total Fiscal Benefits</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Net Fiscal Benefits</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>FY2022</td>
</tr>
<tr>
<td>$0</td>
</tr>
</tbody>
</table>

B) Department head approval of regulatory impact analysis:

The head of the Department of Environmental Quality, Kimberly D. Shelley, has reviewed and approved of this impact analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

<table>
<thead>
<tr>
<th>Section 59-7-605</th>
<th>Section 59-10-1009</th>
<th>Section 19-2-104</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 19-1-402</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Incorporations by Reference Information

(If this rule incorporates more than two items by reference, please include additional tables.)

8. A) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; if none, leave blank):

<table>
<thead>
<tr>
<th>First Incorporation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Official Title of Materials Incorporated (from title page)</td>
</tr>
<tr>
<td>Publisher</td>
</tr>
<tr>
<td>Date Issued</td>
</tr>
<tr>
<td>Issue, or version</td>
</tr>
</tbody>
</table>

B) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials
incorporated by reference must be submitted to the Office of Administrative Rules; if none, leave blank:

<table>
<thead>
<tr>
<th>Second Incorporation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Official Title of Materials Incorporated (from title page)</td>
</tr>
<tr>
<td>Publisher</td>
</tr>
<tr>
<td>Date Issued</td>
</tr>
<tr>
<td>Issue, or version</td>
</tr>
</tbody>
</table>

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until (mm/dd/yyyy): 11/01/2021

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

10. This rule change MAY become effective on (mm/dd/yyyy): January 1, 2022

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin and delaying the first possible effective date.

Agency head or designee, and title: Bryce C. Bird, Director

Date (mm/dd/yyyy): [ ]


R307-121. General Requirements: Clean Air and Efficient Vehicle Tax Credit.

R307-121-1. Authorization and Purpose.

(1) This rule is authorized by Sections 59-7-605 and 59-10-1009. These statutes establish criteria and definitions used to determine eligibility for an income tax credit.

(2) R307-121 establishes procedures to provide proof of purchase or lease, in accordance with 59-7-605(3)(b) or 59-10-1009(3)(b), to the director for an OEM vehicle, qualifying electric motorcycle, or the conversion of a motor vehicle or special mobile equipment for which an income tax credit is allowed under Sections 59-7-605 or 59-10-1009.


The following additional definitions apply to R307-121.

"Air quality standards" means air quality standards as defined in Subsection 59-7-605(1)(a) and 59-10-1009(1)(a).

"Clean fuel" means clean fuel as defined in Subsection 19-1-402(1).

"Clean fuel vehicle" means clean fuel vehicle as defined in Subsection 19-1-402(2).

"Conversion equipment" means a package that may include fuel, ignition, emissions control, and engine components that are modified, removed, or added to a motor vehicle or special mobile equipment to make that motor vehicle or equipment eligible for the tax credit.

"Motor Vehicle" means a motor vehicle as defined in 41-1a-102.

"Original equipment manufacturer(OEM) vehicle" means original equipment manufacturer(OEM) as defined in Subsection 19-1-402(8).

"Original purchase" means original purchase as defined in Subsection 59-7-605(1)(g) and 59-10-1009(1)(g).

"Qualifying electric motorcycle" means qualifying electric motorcycle as defined in 59-7-605(1)(h) or 59-10-1009(1)(h).

"Qualifying electric vehicle" means qualifying electric vehicle as defined in 59-7-605(1)(j) or 59-10-1009(1)(j).

"Qualifying plug-in hybrid vehicle" means qualifying plug-in hybrid vehicle as defined in 59-7-605(1)(q) or 59-10-1009(1)(q).

"Window Sticker" means the label required by United States Code Title 15 Sections 1231 and 1232, as effective January 3, 2012.
R307-121-3.  Proof of Purchase to Demonstrate Eligibility for New OEM Natural Gas, Propane, Qualifying Electric or Qualifying Plug-in Hybrid Vehicles.

To demonstrate that an OEM natural gas, propane, qualifying electric, or qualifying plug-in hybrid motor vehicle is eligible for the tax credit, proof of purchase shall be made in accordance with 59-7-605(3)(b) or 59-10-1009(3)(b), by submitting the following documents to the director:

(1)(a) a copy of the Manufacturer's Statement of Origin (MSO) or equivalent manufacturer's documentation showing that the motor vehicle is a qualifying electric or qualifying plug-in hybrid vehicle;

(b) a signed statement by either an Automotive Service Excellence (ASE)-certified technician or Canadian Standards Association (CSA) America CNG Fuel System Inspector that includes the VIN, the technician's ASE or CSA America certification number, and states:

(2) that the motor vehicle is an OEM natural gas, propane, qualifying electric or qualifying plug-in hybrid vehicle;

(3) a copy of the current Utah vehicle registration in the name of the taxpayer seeking the credit;

(4) an original or copy of the odometer disclosure statement required in Utah Code Annotated Title 41 Chapter 1a Section 902 for the motor vehicle that was acquired as an original purchase; and

(5) the underhood identification number or engine group of the motor vehicle.

R307-121-4.  Proof of Purchase to Demonstrate Eligibility for New Qualifying Electric Motorcycle.

To demonstrate that a qualifying electric motorcycle is eligible for the tax credit, proof of purchase shall be made in accordance with 59-7-605(3)(b) or 59-10-1009(3)(b), by submitting the following documents to the director:

(1)(a) a copy of the Manufacturer's Statement of Origin (MSO) or equivalent manufacturer's documentation showing that the motor vehicle is a qualifying electric motorcycle;

(b) a signed statement by an Automotive Service Excellence (ASE)-certified technician that includes the VIN, the technician's ASE certification number, and states:

(2) that the motorcycle is a qualifying electric motorcycle;

(3) a copy of the current Utah vehicle registration in the name of the taxpayer seeking the credit;

(4) an original or copy of the odometer disclosure statement required in Utah Code Annotated Title 41 Chapter 1a Section 902 for the motor vehicle that was acquired as an original purchase.

R307-121-5.  Proof of Lease to Demonstrate Eligibility for New OEM Natural Gas, Propane, Qualifying Electric or Qualifying Plug-in Hybrid Vehicles.

To demonstrate that an OEM natural gas, propane, qualifying electric or qualifying plug-in hybrid motor vehicle is eligible for the tax credit, proof of lease shall be made in accordance with 59-7-605(3)(b) or 59-10-1009(3)(b), by submitting the following documents to the director:

(1)(a) a copy of the motor vehicle's window sticker, which includes its Vehicle Identification Number (VIN), or equivalent manufacturer's documentation showing that the motor vehicle is an OEM natural gas, propane, qualifying electric or qualifying plug-in hybrid vehicle;

(b) a signed statement by either an Automotive Service Excellence (ASE)-certified technician or Canadian Standards Association (CSA) America CNG Fuel System Inspector that includes the VIN, the technician's ASE or CSA America certification number, and states:

(2) that the motor vehicle is an OEM natural gas, propane, qualifying electric or qualifying plug-in hybrid vehicle;

(3) a copy of the current Utah vehicle registration in the name of the taxpayer seeking the credit;

(4) an original or copy of the odometer disclosure statement required in Utah Code Annotated Title 41 Chapter 1a Section 902 for the motor vehicle that was acquired as an original purchase; and

(5) the underhood identification number or engine group of the motor vehicle.

R307-121-6.  Proof of Lease to Demonstrate Eligibility for Qualifying Electric Motorcycle.

To demonstrate that a qualifying electric motorcycle is eligible for the tax credit, proof of lease shall be made in accordance with 59-7-605(3)(b) or 59-10-1009(3)(b), by submitting the following documents to the director:

(1)(a) a copy of the Manufacturer's Statement of Origin (MSO) or equivalent manufacturer's documentation showing that the motor vehicle is a qualifying electric motorcycle;

(b) a signed statement by an Automotive Service Excellence (ASE)-certified technician that includes the VIN, the technician's ASE certification number, and states:

(2) that the motorcycle is a qualifying electric motorcycle;

(3) a copy of the current Utah vehicle registration in the name of the taxpayer seeking the credit;

(4) an original or copy of the odometer disclosure statement required in Utah Code Annotated Title 41 Chapter 1a Section 902 for the motor vehicle that was acquired as an original purchase; and

(5) the underhood identification number or engine group of the motor vehicle.
end of the lease;
(3) a copy of the current Utah vehicle registration in the name of the taxpayer seeking the credit; and
(4) an original or copy of the odometer disclosure statement required in Utah Code Annotated Title 41 Chapter 1a Section 902 for the motor vehicle that was acquired as an original purchase.

R307-121-7. Proof of Purchase to Demonstrate Eligibility for Motor Vehicles Converted to a Clean Fuel.

To demonstrate that a conversion of a motor vehicle to be fueled by a clean fuel is eligible for the tax credit, proof of purchase shall be made, in accordance with 59-7-605(3)(b) or 59-10-1009(3)(b), by submitting the following documentation to the director:

(1) an original or copy of the purchase order, customer invoice, or receipt that includes the name of the taxpayer seeking the credit; the name, address, and phone number of the person that converted the motor vehicle to run on a clean fuel; the VIN; the date of conversion; and the price of the conversion equipment installed on the motor vehicle;

(2) a copy of the current Utah vehicle registration in the name of the taxpayer seeking the credit; and

(3) a signed statement by the person who converted the motor vehicle certifying that the conversion does not tamper with, circumvent, or otherwise affect the vehicle's on-board diagnostic system, in accordance with 19-1-406(2).

R307-121-8. Proof of Purchase to Demonstrate Eligibility for Special Mobile Equipment Converted to Clean Fuels.

To demonstrate that a conversion of special mobile equipment to be fueled by clean fuel is eligible for the tax credit, proof of purchase shall be made, in accordance with 59-7-605(3)(b) or 59-10-1009(3)(b), by submitting the following documentation to the director:

(1) a description, including serial number, of the special mobile equipment for which credit is to be claimed; and

(2) an original or copy of the purchase order, customer invoice, or receipt that includes the name of the taxpayer seeking the credit, the serial number, the date of conversion, and the price of the conversion equipment installed on the special mobile equipment.

KEY: air pollution, alternative fuels, tax credits, motor vehicles
Date of Enactment or Last Substantive Amendment: September 3, 2015
Notice of Continuation: September 7, 2016
Authorizing, and Implemented or Interpreted Law: 19-2-104; 19-1-402; 59-7-605; 59-10-1009]
ITEM 6
MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Jon Black, Major New Source Review Permitting Section Manager, Alan Humpherys, Minor New Source Review Permitting Section Manager, and David Beatty, Title V Permitting Section Manager

DATE: August 18, 2021


As R307-401 is currently written, the Division of Air Quality (DAQ) notices permitting actions in physical newspapers only, providing the full text of the notice with any other required information. The proposed rule amendments change the required newspaper public notices for permitting actions (major and minor new source review, general approval orders, and Title V permitting) to electronic public notices under Section 42-1-101(2) of the Utah Code. Under this Section, electronic notices are published by the newspapers on the utahlegals.com website, a comprehensive database for all legal notices in Utah. In addition, the notices may also be published in the physical newspapers directing the public to the utahlegals.com website for a full text of each notice.

Further, the proposed amendments will require the DAQ to post notices and information on the DAQ’s website. Specifically, a notice of a permitting action and a draft permit with the administrative record or information on how to access the administrative record. DAQ must post this information for the entire duration of the public comment period. Previously, DAQ had been posting the draft permits and other related information on the DAQ’s website as a courtesy to the public, but it was not required.

These amendments make Utah rules the same as the federal rules for public notices of permitting actions. EPA issued a final rule on this subject on October 18, 2016, effective November 17, 2016, making a change to e-notices.1 EPA’s October 2016 rule removed the mandatory public notice requirement for New

Source Review and Title V programs (and a few other programs) to publish draft permits and other program actions in the newspaper and replaced it with electronic notices. The rule also allowed authorities implementing EPA-approved programs or federal permitting rules to meet the publication requirement through e-notice. This means that DAQ’s currently proposed rule amendments are authorized by this federal regulation. EPA made this change in part to increase access to permitting information.

On June 10, 2021, the DAQ issued an advance notice of proposed rulemaking for these rule amendments to solicit stakeholder input. The stakeholder comment period ran until June 30, 2021. DAQ received one comment from Sean Hales, Managing Editor of Box Elder News Journal, opposing the proposed amendments. The commenter opposed the amendments for three reasons: (1) lack of transparency and accountability if the DAQ is allowed to publish its own notices of permitting actions and run its own notice website; (2) difficulties for the public in locating the notice information because it is available only on the DAQ’s website and not in the newspapers; and (3) decline in revenues to the newspapers (especially local newspapers) who are necessary sources of information and act as watchdogs on the local governments.

In response to (1) and (2), the DAQ is not allowed by statute to run its own public notice website. Section 42-1-101(2) of the Utah Code requires that the DAQ publishes electronic notices of permitting actions on the utahlegals.com website and additional optional notices in physical newspapers directing the public to the website notice for the full text of the notices. This means that under the amended rules, the DAQ will continue working with the newspapers to publish electronic notices. The DAQ will only be publishing notices and draft permits with administrative records on its own website as an additional notice. This amendment increases transparency and reaches more members of the public because the notices will now be published in two places online. With the increased use of online resources, more people will have the opportunity to see these notices if the rules are amended. As noted above, EPA made the same observation when removing newspaper publication requirement and replacing it with e-notices for federal permitting actions.

To further increase transparency, the rule amendments make it easier for the public to view draft permits and the corresponding administrative records because they are published online and available for the duration of the public comment period. This was not previously a requirement although the DAQ typically posted notices on its website as a courtesy. The amended rules make this optional process a mandatory requirement.

In response to (3), the newspapers are allowed to charge up to 15% “of the newspaper’s average advertisement rate for publishing five column lines in the newspaper to publish legal notice on the public legal notice website.” Consequently, the newspapers will continue to receive revenue by publishing electronic notices and optional short notices in the physical newspapers.

The DAQ performed a fiscal analysis to determine the impact of this rulemaking on small and non-small businesses as required by the rulemaking process. A small business is defined as a company employing fewer than 50 persons. All other businesses employing 50 or more persons are non-small businesses. The DAQ publishes notices with the newspapers that are both small and non-small businesses and will continue to publish electronic notices of permitting actions with these newspapers.

---

3 See id.
4 See id. (“The EPA further anticipates that e-access will expand access to permit-related documents.”)
5 See 81 Fed. Reg. at 71,163 and footnote 4 of this Memorandum.
7 Id. § 63G-3-102(21).
The DAQ collected data by calling individual newspapers to determine the cost of the electronic notices and calculated approximate savings to its budget based on the previous expenditures and new decreased charges going forward. The approximate impact is going to be a $3,125 annual decrease in revenues for small businesses and an $8,350 annual decrease in revenues for non-small businesses with the total decrease in revenue for all businesses at $11,475 annually.

Conversely, the DAQ will save approximately $11,475 annually in its budget by switching to electronic notices.

Overall, the proposed amendments have a net-zero fiscal impact, increase transparency, potentially reach more people with two online notices, and create easier access to draft permits proposed for public comment and the corresponding administrative records. The rule amendments also align state rules with the federal regulations.

Recommendation: Staff recommends that the Board propose amended R307-401-7, R307-401-19, and R307-415-7i for public comment.
NOTICE OF PROPOSED RULE

TYPE OF RULE: New ___; Amendment _x__; Repeal ___; Repeal and Reenact ___

Title No. - Rule No. - Section No.

Utah Admin. Code Ref (R no.): R307-401
Changed to Admin. Code Ref. (R no.): R

Agency Information

1. Department: Environmental Quality
Agency: Air Quality
Room no.: 
Building: Multi-Agency State Office Building
Street address: 195 North 1950 West
City, state and zip: Salt Lake City, Utah, 84116
Mailing address: P.O. Box 144820
City, state and zip: Salt Lake City, UT 84114-4820
Contact person(s):
Name: Mat Carlile
Phone: 385-306-3565
Email: mcarlile@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:
R307-401. Permit: New and Modified Sources

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The Division of Air Quality (DAQ) is amending this rule section to replace newspaper notice of permitting actions with an electronic notice under Section 45-1-101 of the Utah Code. The rule amendments also add a requirement to publish permit notices and related documentation on the Division’s website, therefore users will no longer have to contact the Division to obtain hard copies. The changes allow the DAQ to reach more people, increase transparency, and provide greater public access to information. DAQ estimates that the State will save approximately $11,475 per year. Other stylistic and grammatical changes are made to these rules to comply with the Rulewriting Manual for Utah.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
1. Replaces the newspaper notice requirement that the Director must advertise the intent to approve or disapprove an Approval Order in a newspaper of general circulation with an electronic notice requirement under Section 45-1-101 of the Utah Code.
2. Adds language to the rule that the notice of the comment period and permitting action will be published electronically under Section 45-1-101 of the Utah Code and on the Division’s website.
3. Adds a requirement that a draft permit and related documentation will be published on the Division’s website for the duration of the public comment period

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There are no additional costs expected for the state budget as no new monetary requirements are being implemented. DAQ does expect to save approximately $11,475 annually by switching to electronic notices.
B) Local governments:

There are no anticipated costs or savings to local governments because this rulemaking does not apply to them.

C) Small businesses ("small business" means a business employing 1-49 persons):

Small businesses that publish legal ads will see a decrease in revenue of approximately $3,125 per year because of this rulemaking. DAQ identified 18 small businesses that have published legal ads for the DAQ over the past three years, for which the DAQ paid a total of $11,440. It is estimated that the DAQ will pay $2,060 for future legal ads, resulting in a cumulative loss to businesses of approximately $9,380 for the next three years.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

Non-small businesses that publish legal ads will see a decrease in revenue of approximately $8,350 per year because of this rulemaking. DAQ identified 9 non-small businesses that have published legal ads for the DAQ over the past three years, for which the DAQ paid a total of $28,400. It is estimated that the DAQ will pay $3,340 for future legal ads, resulting in a cumulative loss to businesses of approximately $25,060 for the next three years.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):

There are no anticipated costs or savings to persons because this rulemaking does not apply to them.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

No additional costs are anticipated because no new requirements are being implemented.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

DAQ expects that some businesses will see a slight decrease in revenue because of this rulemaking. The rule amendments to Section R307-415-7I are expected to have fiscal impacts on businesses because the Division will not require advertisement space to run legal ads in published newspapers. Instead, those ads will be published electronically on the utahlegals.com website with an optional notice in the physical newspaper pointing the reader to the website for the full text of the permitting notice.

Kimberly D. Shelley, Executive Director of the Utah Department of Environmental Quality

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

<table>
<thead>
<tr>
<th>Regulatory Impact Table</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fiscal Cost</td>
</tr>
<tr>
<td>State Government</td>
</tr>
<tr>
<td>Local Governments</td>
</tr>
<tr>
<td>Small Businesses</td>
</tr>
<tr>
<td>Non-Small Businesses</td>
</tr>
<tr>
<td>Other Persons</td>
</tr>
<tr>
<td>Total Fiscal Cost</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fiscal Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Government</td>
</tr>
<tr>
<td>Local Governments</td>
</tr>
<tr>
<td>Small Businesses</td>
</tr>
<tr>
<td>Non-Small Businesses</td>
</tr>
<tr>
<td>Other Persons</td>
</tr>
<tr>
<td>Total Fiscal Benefits</td>
</tr>
<tr>
<td>Net Fiscal Benefits</td>
</tr>
</tbody>
</table>

B) Department head approval of regulatory impact analysis:

The Executive Director for the Utah Department of Environmental Quality, Kimberly D. Shelley, has reviewed and approved this fiscal analysis.
7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

<table>
<thead>
<tr>
<th>Subsection 19-2-104(3)(b)(iii)</th>
<th>Section 19-2-108</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Incorporations by Reference Information
(If this rule incorporates more than two items by reference, please include additional tables.)

8. A) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; if none, leave blank):

<table>
<thead>
<tr>
<th>First Incorporation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Official Title of Materials Incorporated (from title page)</td>
</tr>
<tr>
<td>Publisher</td>
</tr>
<tr>
<td>Date Issued</td>
</tr>
<tr>
<td>Issue, or version</td>
</tr>
</tbody>
</table>

B) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; if none, leave blank):

<table>
<thead>
<tr>
<th>Second Incorporation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Official Title of Materials Incorporated (from title page)</td>
</tr>
<tr>
<td>Publisher</td>
</tr>
<tr>
<td>Date Issued</td>
</tr>
<tr>
<td>Issue, or version</td>
</tr>
</tbody>
</table>

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until (mm/dd/yyyy): 11/02/2021

B) A public hearing (optional) will be held:

<table>
<thead>
<tr>
<th>On (mm/dd/yyyy):</th>
<th>At (hh:mm AM/PM):</th>
<th>At (place):</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/02/2021</td>
<td>10:00 AM MDT</td>
<td>Google Meet <a href="https://meet.google.com/zvn-ketw-ftd">https://meet.google.com/zvn-ketw-ftd</a></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Or dial: (US) +1 513-828-0269 PIN: 107 613 936#</td>
</tr>
</tbody>
</table>

10. This rule change MAY become effective on (mm/dd/yyyy): 11/09/2021

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin and delaying the first possible effective date.

<table>
<thead>
<tr>
<th>Agency head or designee, and title:</th>
<th>Date (mm/dd/yyyy):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bryce C. Bird, Director of the Utah Division of Air Quality</td>
<td>08/15/2021</td>
</tr>
</tbody>
</table>


(1) Issuing the Notice. Prior to issuing an approval or disapproval order, the director will advertise intent to approve or disapprove in a newspaper of general circulation in the locality of the proposed construction, installation, modification, relocation or establishment, if, the director shall:

(a) publish a legal notice of the intent to approve or disapprove on the public legal notice website under Subsection 45-1-101(2);
(b) notify the public of the intent to approve or disapprove on the Division’s website; and
(c) post the draft permit and administrative record for the draft permit, or information on how to access the administrative record for the draft permit, on the Division’s website for the duration of the public comment period.

(2) Opportunity for Review and Comment.

(a) At least one location will be provided where the information submitted by the owner or operator, the director's analysis of the notice of intent proposal, and the proposed approval order conditions will be available for public inspection.
(b) Public Comment.
(i) A 30-day public comment period will be established.
(ii) A request to extend the length of the comment period, up to 30 days, may be submitted to the director within 15 days of the date the legal notice in Subsection R307-401-7(1)(a) is published.
(iii) Public Hearing. A request for a hearing on the proposed approval or disapproval order may be submitted to the director within 15 days of the date the legal notice in Subsection R307-401-7(1)(a) is published.
(iv) The hearing will be held in the area of the proposed construction, installation, modification, relocation or establishment.
(v) The public comment and hearing procedure shall not be required when an order is issued for the purpose of extending the time required by the director to review plans and specifications.

(3) The director will consider comments received during the public comment period and at the public hearing and, if appropriate, will make changes to the proposal in response to comments before issuing an approval order or disapproval order.

……


(1) The director may issue a general approval order that would establish conditions for similar new or modified sources of the same type or for specific types of equipment. The general approval order may apply throughout the state or in a specific area.

(a) A major source or major modification as defined in Rules R307-403, R307-405, or R307-420 for each respective area is not eligible for coverage under a general approval order.
(b) A source that is subject to the requirements of Section R307-403-5 is not eligible for coverage under a general approval order.
(c) A source that is subject to the requirements of Section R307-410-4 is not eligible for coverage under a general approval order unless a demonstration that meets the requirements of Section R307-410-5 was conducted.
(d) A source that is subject to the requirements of Subsection R307-410-5(1)(c)(ii) is not eligible for coverage under a general approval order unless a demonstration that meets the requirements of Subsection R307-410-5(1)(c)(ii) was conducted.
(e) A source that is subject to the requirements of Subsection R307-410-5(1)(c)(iii) is not eligible for coverage under a general approval order.

(2) A general approval order shall meet all applicable requirements of Section R307-401-8.

(3) The public notice requirements in Section R307-401-7 shall apply to a general approval order, except that the director will advertise the notice of intent in a newspaper of statewide circulation.

(4) Application.

(a) After a general approval order has been issued, the owner or operator of a proposed new or modified source may apply to be covered under the conditions of the general approval order.
(b) The owner or operator shall submit the application on forms provided by the director in lieu of the notice of intent requirements in Section R307-401-5 for equipment covered by the general approval order.
(c) The owner or operator may request that an existing, individual approval order for the source be revoked, and that it be covered by the general approval order.
(d) The owner or operator that has applied to be covered by a general approval order shall not initiate construction, modification, or relocation until the application has been approved by the director.

(5) Approval.

(a) The director will review the application and approve or deny the request based on criteria specified in the general approval order for that type of source. If approved, the director will issue an authorization to the applicant to operate under the general approval order.
(b) The public notice requirements in Section R307-401-7 do not apply to the approval of an application to be covered under the general approval order.
(c) The director will maintain a record of stationary sources that are covered by a specific general approval order and this record will be available for public review.

(6) Exclusions and Revocation.

(a) The director may require any source that has applied for or is authorized by a general approval order to submit a notice of...
intent and obtain an individual approval order under Section R307-401-8. Cases where the director will require an individual approval order [will be required include, but are not limited to, ] include the following:

(i) the director determines that the source does not meet the criteria specified in the general approval order;
(ii) the director determines that the application for the general approval order did not contain all necessary information to evaluate applicability under the general approval order;
(iii) modifications were made to the source that were not authorized by the general approval order or an individual approval order;
(iv) the director determines the source may cause a violation of a national ambient air quality standard; [or]
(v) the director determines that an approval order [one is required based on the compliance history and current compliance status of the source or applicant[.]; or
(vi) the director determines that an approval order is required for any other reason.

(b)(i) Any source authorized by a general approval order may request to be excluded from the coverage of the general approval order by submitting a notice of intent under Section R307-401-5 and receiving an individual approval order under Section R307-401-8.

(ii) When the director issues an individual approval order to a source subject to a general approval order, the applicability of the general approval order to the individual source is revoked on the effective date of the individual approval order.

(7) Modification of General Approval Order. The director may modify, replace, or discontinue the general approval order.
(a) Administrative corrections may be made to the existing version of the general approval order. These corrections are to correct typographical errors or similar minor administrative changes.
(b) All other modifications or the discontinuation of a general approval order shall not apply to any source authorized under previous versions of the general approval order unless the owner or operator submits an application to be covered under the new version of the general approval order. Modifications under Subsection R307-401-19(7)(b) shall meet the public notice requirements in Subsection R307-401-19(3).
(c) A general approval order shall be reviewed at least every three years. The review of the general approval order shall follow the public notice requirements of Subsection R307-401-19(3).

(8) Modifications at a source covered by a general approval order. A source may make modifications only as authorized by the approved general approval order. Modifications outside the scope authorized by the approved general approval order shall require a new application for either an individual approval order under Section R307-401-8 or a general approval order under Section R307-401-19.

KEY: air pollution, permits, approval orders, greenhouse gases
Date of Enactment or Last Substantive Amendment: [September 3, 2020]
Notice of Continuation: May 15, 2017
Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(q)(b)(iii); 19-2-108
NOTICE OF PROPOSED RULE

<table>
<thead>
<tr>
<th>TYPE OF RULE:</th>
<th>New __<em>; Amendment <em>X</em></em>; Repeal ___; Repeal and Reenact ___</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title No. - Rule No. - Section No.</td>
<td></td>
</tr>
<tr>
<td>Utah Admin. Code Ref (R no.):</td>
<td>R307-415-7i</td>
</tr>
<tr>
<td>Changed to Admin. Code Ref. (R no.):</td>
<td>R</td>
</tr>
</tbody>
</table>

Agency Information

1. Department: Environmental Quality

Agency: Air Quality

Room no.:

Building: Multi-Agency State Office Building

Street address: 195 North 1950 West

City, state and zip: Salt Lake City, Utah, 84116

Mailing address: P.O. Box 144820

City, state and zip: Salt Lake City, UT 84114-4820

Contact person(s):

Name: Mat Carlile

Phone: 385-306-3565

Email: mcarlile@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:
   R307-415-7i. Public Participation

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
   The Division of Air Quality (DAQ) is amending this rule section to replace newspaper notice of permitting actions with an electronic notice under Section 45-1-101 of the Utah Code. The rule amendments also add a requirement to publish permit notices and related documentation on the Division’s website, therefore users will no longer have to contact the Division to obtain hard copies. The changes allow the DAQ to reach more people, increase transparency, and provide greater public access to information. DAQ estimates that the State will save approximately $11,475 annually.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
   1. Replaces the requirement that the Director must give notice of initial permit issuance, significant modifications, reopenings for cause, and renewals of Title V permits in a newspaper of general circulation with an electronic notice requirement under Section 45-1-101 of the Utah Code.
   2. Adds language to the rule that the notice of the comment period and permitting action will be published electronically under Section 45-1-101 of the Utah Code.
   3. Adds a requirement that a draft permit and related documentation will be published on the Division’s website for the duration of the public comment period.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:
   There are no additional costs expected for the state budget as no new monetary requirements are being implemented. DAQ does expect to save approximately $ 11,475 annually by switching to electronic notices.

B) Local governments:
   There are no anticipated costs or savings to local governments because this rulemaking does not apply to them.
C) Small businesses ("small business" means a business employing 1-49 persons):

Small businesses that publish legal ads will see a decrease in revenue of approximately $3,125 per year because of this rulemaking. DAQ identified 18 small businesses that have published legal ads for the DAQ over the past three years, for which the DAQ paid a total of $11,440. It is estimated that the DAQ will pay $2,060 for future legal ads, resulting in a cumulative loss to businesses of approximately $9,380 for the next three years.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

Non-small businesses that publish legal ads will see a decrease in revenue of approximately $8,350 per year because of this rulemaking. DAQ identified 9 non-small businesses that have published legal ads for the DAQ over the past three years, for which the DAQ paid a total of $28,400. It is estimated that the DAQ will pay $3,340 for future legal ads, resulting in a cumulative loss to businesses of approximately $25,060 for the next three years.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):

There are no anticipated costs or savings to persons because this rulemaking does not apply to them.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

No additional costs are anticipated because no new requirements are being implemented.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

DAQ expects that some businesses will see a slight decrease in revenue because of this rulemaking. The rule amendments to Section R307-415-7i are expected to have fiscal impacts on businesses because the Division will not require advertisement space to run legal ads in published newspapers. Instead, those ads will be published electronically on the utahlegals.com website with an optional notice in the physical newspaper pointing the reader to the website for the full text of the permitting notice.

Kimberly D. Shelley, Executive Director of the Utah Department of Environmental Quality

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

<table>
<thead>
<tr>
<th>Regulatory Impact Table</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fiscal Cost FY2022</td>
</tr>
<tr>
<td>State Government</td>
</tr>
<tr>
<td>Local Governments</td>
</tr>
<tr>
<td>Small Businesses</td>
</tr>
<tr>
<td>Non-Small Businesses</td>
</tr>
<tr>
<td>Other Persons</td>
</tr>
<tr>
<td><strong>Total Fiscal Cost</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fiscal Benefits FY2022</th>
<th>FY2023</th>
<th>FY2024</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Government</td>
<td>$11,475</td>
<td>$11,475</td>
</tr>
<tr>
<td>Local Governments</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Small Businesses</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Non-Small Businesses</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Other Persons</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td><strong>Total Fiscal Benefits</strong></td>
<td><strong>$11,475</strong></td>
<td><strong>$11,475</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Net Fiscal Benefits FY2022</th>
<th>FY2023</th>
<th>FY2024</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Government</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Local Governments</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Small Businesses</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Non-Small Businesses</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Other Persons</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td><strong>Total Net Fiscal Benefits</strong></td>
<td><strong>$0</strong></td>
<td><strong>$0</strong></td>
</tr>
</tbody>
</table>

B) Department head approval of regulatory impact analysis:

The Executive Director for the Utah Department of Environmental Quality, Kimberly D. Shelley, has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:
Incorporations by Reference Information
(If this rule incorporates more than two items by reference, please include additional tables.)

8. A) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; if none, leave blank):

<table>
<thead>
<tr>
<th>Official Title of Materials Incorporated (from title page)</th>
<th>Publisher</th>
<th>Date Issued</th>
<th>Issue, or version</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Incorporation</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

B) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; if none, leave blank):

<table>
<thead>
<tr>
<th>Official Title of Materials Incorporated (from title page)</th>
<th>Publisher</th>
<th>Date Issued</th>
<th>Issue, or version</th>
</tr>
</thead>
<tbody>
<tr>
<td>Second Incorporation</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until (mm/dd/yyyy): 11/02/2021

B) A public hearing (optional) will be held:

<table>
<thead>
<tr>
<th>On (mm/dd/yyyy):</th>
<th>At (hh:mm AM/PM):</th>
<th>At (place):</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/02/2021</td>
<td>10:00 AM MDT</td>
<td>Google Meet [link]</td>
</tr>
</tbody>
</table>

Or dial: (US) +1 513-828-0269 PIN: 107 613 936#

10. This rule change MAY become effective on (mm/dd/yyyy): 11/09/2021

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin and delaying the first possible effective date.

<table>
<thead>
<tr>
<th>Agency head or designee, and title:</th>
<th>Date (mm/dd/yyyy):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bryce C. Bird, Director of the Utah Division of Air Quality</td>
<td>08/14/2021</td>
</tr>
</tbody>
</table>


R307-415-7i. Public Participation.
The director shall provide for public notice, comment and an opportunity for a hearing on initial permit issuance, significant modifications, reopenings for cause, and renewals, including the following procedures:

(1) The director shall give notice by publishing a legal notice on the public legal notice website under Subsection 42-1-101(2) and by posting the notice and the draft permit on the Division’s website for the duration of the public comment period. The director shall give notice to persons on a mailing list developed by the director, including those who request in writing to be on the list, and by other means if necessary to assure adequate notice to the affected public.

(2) The notice shall identify:
   (a) the Part 70 source;
   (b) the name and address of the permittee;
   (c) the name and address of the director;
   (d) the activity or activities involved in the permit action;
   (e) the emissions change involved in any permit modification;
   (f) the name, address, and telephone number of a person from whom interested persons may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials, including any compliance plan or compliance and monitoring certification, and all other materials available to the director that are relevant to the permit decision;
   (g) a brief description of the comment procedures; and
   (h) the time and place of any hearing that may be held, including a statement of procedures to request a hearing, unless a hearing has already been scheduled.

(3) The director shall provide such notice and opportunity for participation by affected States as is provided for by Section R307-415-8.

(4) [Timing.] The director shall provide at least 30 days for public comment and shall give notice of any public hearing at least 30 days in advance of the hearing.

(5) The director shall keep a record of the commenters and also of the issues raised during the public participation process, and such records shall be available to the public and to EPA.

KEY: air pollution, greenhouse gases, operating permit, emission fees
Date of Enactment or Last Substantive Amendment: September 3, 2020
Notice of Continuation: May 15, 2017
Authorizing, and Implemented or Interpreted Law: 19-2-109.1; 19-2-104
ITEM 7
Air Toxics
## MEMORANDUM

**TO:** Air Quality Board  
**FROM:** Bryce C. Bird, Executive Secretary  
**DATE:** August 5, 2021  
**SUBJECT:** Air Toxics, Lead-Based Paint, and Asbestos (ATLAS) Section Compliance Activities – July 2021

<table>
<thead>
<tr>
<th>Activity</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asbestos Demolition/Renovation NESHAP Inspections</td>
<td>23</td>
</tr>
<tr>
<td>Asbestos AHERA Inspections</td>
<td>20</td>
</tr>
<tr>
<td>Asbestos State Rules Only Inspections</td>
<td>0</td>
</tr>
<tr>
<td>Asbestos Notification Forms Accepted</td>
<td>179</td>
</tr>
<tr>
<td>Asbestos Telephone Calls</td>
<td>345</td>
</tr>
<tr>
<td>Asbestos Individuals Certifications Approved</td>
<td>77</td>
</tr>
<tr>
<td>Asbestos Company Certifications/Re-Certifications</td>
<td>0/7</td>
</tr>
<tr>
<td>Asbestos Alternate Work Practices Approved</td>
<td>5</td>
</tr>
<tr>
<td>Lead-Based Paint (LBP) Inspections</td>
<td>1</td>
</tr>
<tr>
<td>LBP Notification Forms Approved</td>
<td>2</td>
</tr>
<tr>
<td>LBP Telephone Calls</td>
<td>44</td>
</tr>
<tr>
<td>LBP Letters Prepared and Mailed</td>
<td>1</td>
</tr>
<tr>
<td>LBP Courses Reviewed/Approved</td>
<td>0</td>
</tr>
<tr>
<td>LBP Course Audits</td>
<td>1</td>
</tr>
<tr>
<td>LBP Individual Certifications Approved</td>
<td>11</td>
</tr>
</tbody>
</table>
LBP Firm Certifications 8
Notices of Violation Sent 0
Compliance Advisories Sent 2
Warning Letters Sent 2
Settlement Agreements Finalized 1

Penalties Agreed to:

<table>
<thead>
<tr>
<th>Entity</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Terracon</td>
<td>$5,568.75</td>
</tr>
</tbody>
</table>
Compliance
MEMORANDUM

TO: Air Quality Board
FROM: Bryce C. Bird, Executive Secretary
DATE: August 17, 2021
SUBJECT: Compliance Activities – July 2021

ACTIVITIES:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Monthly Total</th>
<th>36-Month Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inspections</td>
<td>58</td>
<td>53</td>
</tr>
<tr>
<td>On-Site Stack Test &amp; CEM Audits</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Stack Test &amp; RATA Report Reviews</td>
<td>18</td>
<td>30</td>
</tr>
<tr>
<td>Emission Report Reviews</td>
<td>6</td>
<td>12</td>
</tr>
<tr>
<td>Temporary Relocation Request Reviews</td>
<td>10</td>
<td>7</td>
</tr>
<tr>
<td>Fugitive Dust Control Plan Reviews</td>
<td>128</td>
<td>150</td>
</tr>
<tr>
<td>Soil Remediation Report Reviews</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Open Burn Permits Issued</td>
<td>0</td>
<td>184</td>
</tr>
<tr>
<td>Miscellaneous Inspections¹</td>
<td>17</td>
<td>21</td>
</tr>
<tr>
<td>Complaints Received</td>
<td>11</td>
<td>14</td>
</tr>
<tr>
<td>Wood Burning Complaints Received</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Breakdown Reports Received</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Compliance Actions Resulting from a Breakdown</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>VOC Inspections</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Warning Letters Issued</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Notices of Violation Issued</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Compliance Advisories Issued</td>
<td>7</td>
<td>5</td>
</tr>
<tr>
<td>No Further Action Letters Issued</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Settlement Agreements Reached</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Penalties Assessed</td>
<td>$0.00</td>
<td>$26,807.97</td>
</tr>
</tbody>
</table>

¹Miscellaneous inspections include, e.g., surveillance, complaint, on-site training, dust patrol, smoke patrol, open burning, etc.
## SETTLEMENT AGREEMENTS:

<table>
<thead>
<tr>
<th>Party</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

## UNRESOLVED NOTICES OF VIOLATION:

<table>
<thead>
<tr>
<th>Party</th>
<th>Date Issued</th>
</tr>
</thead>
<tbody>
<tr>
<td>US Magnesium</td>
<td>8/27/2015</td>
</tr>
<tr>
<td>US Magnesium</td>
<td>3/2/2018</td>
</tr>
<tr>
<td>Citation Oil &amp; Gas (2)</td>
<td>1/8/2020</td>
</tr>
<tr>
<td>EP Energy</td>
<td>3/20/2020</td>
</tr>
<tr>
<td>Ovintiv Production</td>
<td>7/14/2020</td>
</tr>
<tr>
<td>Crescent Point/CH4 Finley</td>
<td>7/24/2020</td>
</tr>
<tr>
<td>Utah Valley University</td>
<td>5/21/2021</td>
</tr>
</tbody>
</table>
Air Monitoring
Utah 24-Hr PM$_{2.5}$ Data  Jun 2021

<table>
<thead>
<tr>
<th>Arith Mean</th>
<th>BV</th>
<th>ED</th>
<th>HV</th>
<th>HW</th>
<th>LN</th>
<th>RP</th>
<th>SM</th>
<th>SF</th>
<th>TSC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max 24-hr Avg</td>
<td>10</td>
<td>10</td>
<td>8</td>
<td>8</td>
<td>9</td>
<td>8</td>
<td>8</td>
<td>10</td>
<td>9</td>
</tr>
<tr>
<td>98th percentile</td>
<td>20</td>
<td>25</td>
<td>14</td>
<td>15</td>
<td>16</td>
<td>12</td>
<td>16</td>
<td>22</td>
<td>15</td>
</tr>
<tr>
<td>Days of Data</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Days &gt;35 µg/m$^3$</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Exceedence Value is 35 µg/m$^3$
### Utah 24-Hr PM$_{2.5}$ Data July 2021

#### Table:

<table>
<thead>
<tr>
<th></th>
<th>BV</th>
<th>ED</th>
<th>HV</th>
<th>HW</th>
<th>LN</th>
<th>RP</th>
<th>SM</th>
<th>SF</th>
<th>TSC</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Arith Mean</strong></td>
<td>13</td>
<td>13</td>
<td>13</td>
<td>12</td>
<td>13</td>
<td>12</td>
<td>13</td>
<td>10</td>
<td>13</td>
</tr>
<tr>
<td><strong>Max 24-hr Avg</strong></td>
<td>34</td>
<td>37</td>
<td>30</td>
<td>33</td>
<td>41</td>
<td>40</td>
<td>26</td>
<td>25</td>
<td>42</td>
</tr>
<tr>
<td><strong>98th percentile</strong></td>
<td>31</td>
<td>33</td>
<td>28</td>
<td>31</td>
<td>38</td>
<td>34</td>
<td>25</td>
<td>25</td>
<td>35</td>
</tr>
<tr>
<td><strong>Days of Data</strong></td>
<td>31</td>
<td>31</td>
<td>31</td>
<td>31</td>
<td>31</td>
<td>31</td>
<td>31</td>
<td>31</td>
<td>31</td>
</tr>
<tr>
<td><strong>Days &gt;35 µg/m³</strong></td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>

#### Graph:

- **PM$_{2.5}$ (µg/m³)**
- **Days**

- **Exceedence Value is 35 µg/m³**

#### Locations:
- Bountiful (BV)
- Erda (ED)
- Hawthorne (HV)
- Harrisville (H)
- Lindon (LN)
- Rose Park (RP)
- Smithfield (SM)
- Spanish Fork (SF)
- Technical Support Center (TSC)
Utah Division of Air Quality

Utah 24-Hr PM$_{2.5}$ Data  Aug 2021

Exceedence Value is 35 µg/m$^3$

<table>
<thead>
<tr>
<th></th>
<th>BV</th>
<th>ED</th>
<th>HV</th>
<th>HW</th>
<th>LN</th>
<th>RP</th>
<th>SM</th>
<th>SF</th>
<th>TSC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arith Mean</td>
<td>22</td>
<td>21</td>
<td>22</td>
<td>24</td>
<td>22</td>
<td>22</td>
<td>19</td>
<td>21</td>
<td>23</td>
</tr>
<tr>
<td>Max 24-hr Avg</td>
<td>48</td>
<td>60</td>
<td>46</td>
<td>53</td>
<td>51</td>
<td>46</td>
<td>42</td>
<td>50</td>
<td>49</td>
</tr>
<tr>
<td>98th percentile</td>
<td>47</td>
<td>55</td>
<td>45</td>
<td>51</td>
<td>50</td>
<td>46</td>
<td>42</td>
<td>49</td>
<td>47</td>
</tr>
<tr>
<td>Days of Data</td>
<td>15</td>
<td>15</td>
<td>13</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>13</td>
<td>15</td>
</tr>
<tr>
<td>Days &gt;35 µg/m$^3$</td>
<td>4</td>
<td>4</td>
<td>5</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>2</td>
<td>2</td>
<td>4</td>
</tr>
</tbody>
</table>

Utah Division of Air Quality
Utah 24-hr PM\textsubscript{10} Data Jun 2021

<table>
<thead>
<tr>
<th></th>
<th>HV</th>
<th>HW</th>
<th>H3</th>
<th>LN</th>
<th>SM</th>
<th>TSC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arith Mean</td>
<td>21</td>
<td>21</td>
<td>28</td>
<td>23</td>
<td>31</td>
<td>25</td>
</tr>
<tr>
<td>Max 24-hr Avg</td>
<td>41</td>
<td>51</td>
<td>49</td>
<td>53</td>
<td>66</td>
<td>47</td>
</tr>
<tr>
<td>Days of Data</td>
<td>30</td>
<td>28</td>
<td>29</td>
<td>30</td>
<td>30</td>
<td>29</td>
</tr>
<tr>
<td>Days &gt;150 µg/m\textsuperscript{3}</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Exceedance Value is 150 µg/m\textsuperscript{3}
Utah 24-hr PM$_{10}$ Data Jul 2021

<table>
<thead>
<tr>
<th></th>
<th>HV</th>
<th>HW</th>
<th>H3</th>
<th>LN</th>
<th>SM</th>
<th>TSC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arith Mean</td>
<td>29</td>
<td>22</td>
<td>28</td>
<td>27</td>
<td>46</td>
<td>28</td>
</tr>
<tr>
<td>Max 24-hr Avg</td>
<td>49</td>
<td>41</td>
<td>52</td>
<td>51</td>
<td>140</td>
<td>51</td>
</tr>
<tr>
<td>Days of Data</td>
<td>21</td>
<td>25</td>
<td>25</td>
<td>26</td>
<td>25</td>
<td>26</td>
</tr>
<tr>
<td>Days &gt;150 µg/m$^3$</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Exceedance Value is 150 µg/m$^3$
Highest 8-hr Ozone Concentration & Daily Maximum Temperature Jun 2021

<table>
<thead>
<tr>
<th></th>
<th>BV</th>
<th>CV</th>
<th>ED</th>
<th>H3</th>
<th>HV</th>
<th>HW</th>
<th>NR</th>
<th>RP</th>
<th>TSC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arith Mean</td>
<td>.058</td>
<td>.059</td>
<td>.050</td>
<td>.059</td>
<td>.055</td>
<td>.058</td>
<td>.058</td>
<td>.058</td>
<td>.061</td>
</tr>
<tr>
<td>8-hr. Ozone 4th Max</td>
<td>.067</td>
<td>.070</td>
<td>.057</td>
<td>.072</td>
<td>.064</td>
<td>.067</td>
<td>.071</td>
<td>.070</td>
<td>.071</td>
</tr>
<tr>
<td>Days of Data</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>29</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td></td>
</tr>
<tr>
<td>Days &gt; 0.070</td>
<td>2</td>
<td>3</td>
<td>0</td>
<td>4</td>
<td>0</td>
<td>2</td>
<td>4</td>
<td>3</td>
<td>5</td>
</tr>
</tbody>
</table>

Ozone (ppm)

Days of Data

Days > 0.070

Technical Support Center
Highest 8-hr Ozone Concentration & Daily Maximum Temperature  Jun 2021

<table>
<thead>
<tr>
<th></th>
<th>P2</th>
<th>RS</th>
<th>V4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arith Mean</td>
<td>.054</td>
<td>.055</td>
<td>.053</td>
</tr>
<tr>
<td>8-hr Ozone 4th Max</td>
<td>.059</td>
<td>.061</td>
<td>.059</td>
</tr>
<tr>
<td>Days of Data</td>
<td>30</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Days &gt; 0.070</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Days:

- Price #2
- Roosevelt
- Vernal #4
- Exceed.
- TM
Highest 8-hr Ozone Concentration & Daily Maximum Temperature  Jun 2021

<table>
<thead>
<tr>
<th></th>
<th>SM</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Arith Mean</strong></td>
<td>.053</td>
</tr>
<tr>
<td><strong>8 -hr. Ozone 4th Max</strong></td>
<td>.057</td>
</tr>
<tr>
<td><strong>Days of Data</strong></td>
<td>30</td>
</tr>
<tr>
<td><strong>Days &gt; 0.070</strong></td>
<td>0</td>
</tr>
</tbody>
</table>

- **Ozone (ppm)**
- **Daily Maximum Temperature (°C) (Smithfield)**

Days

Days 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

Values:
- Ozone: 33.2, 35.4, 35.7, 31.9, 36.4, 37.4, 36.6, 34.0, 34.9, 35.2, 34.6, 31.1, 37.1, 33.5, 24.3, 25.8, 31.0, 31.8, 27.7, 30.9
- Temperature: -5.0, 0.0, 5.0, 10.0, 15.0, 20.0, 25.0, 30.0, 35.0, 40.0, 45.0, 50.0, 55.0, 60.0

**Graph Legend:**
- Pink line: Smithfield
- Dashed line: Exceed.
- Dotted line: TM
Highest 8-hr Ozone Concentration & Daily Maximum Temperature  Jun 2021

<table>
<thead>
<tr>
<th></th>
<th>LN</th>
<th>SF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arith Mean</td>
<td>.058</td>
<td>.059</td>
</tr>
<tr>
<td>8-hr. Ozone 4th Max</td>
<td>.067</td>
<td>.069</td>
</tr>
<tr>
<td>Days of Data</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Days &gt; 0.070</td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>
Highest 8-hr Ozone Concentration & Daily Maximum Temperature  Jun 2021

| Days of Data | 30 | 30 | 30 |
| Days > 0.070 | 1  | 1  | 0  |

<table>
<thead>
<tr>
<th>En</th>
<th>ES</th>
<th>HC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arith Mean</td>
<td>.051</td>
<td>.056</td>
</tr>
<tr>
<td>8-hr. Ozone 4th Max</td>
<td>.056</td>
<td>.061</td>
</tr>
</tbody>
</table>

Days 1 to 31:
- Enoch
- Escalante
- Hurricane
- Exceed.
- TM
Highest 8-hr Ozone Concentration & Daily Maximum Temperature  Jun 2021

<table>
<thead>
<tr>
<th></th>
<th>IP</th>
<th>LP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arith Mean</td>
<td>.059</td>
<td>.059</td>
</tr>
<tr>
<td>8-hr. Ozone 4th Max</td>
<td>.067</td>
<td>.069</td>
</tr>
<tr>
<td>Days of Data</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Days &gt; 0.070</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>
Highest 8-hr Ozone Concentration & Daily Maximum Temperature Jul 2021

<table>
<thead>
<tr>
<th></th>
<th>BV</th>
<th>CV</th>
<th>ED</th>
<th>H3</th>
<th>HV</th>
<th>HW</th>
<th>NR</th>
<th>RP</th>
<th>TSC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arith Mean</td>
<td>.068</td>
<td>.070</td>
<td>.062</td>
<td>.069</td>
<td>.065</td>
<td>.067</td>
<td>.069</td>
<td>.078</td>
<td>.081</td>
</tr>
<tr>
<td>8 -hr. Ozone 4th Max</td>
<td>.077</td>
<td>.080</td>
<td>.071</td>
<td>.079</td>
<td>.073</td>
<td>.076</td>
<td>.080</td>
<td>.078</td>
<td>.081</td>
</tr>
<tr>
<td>Days of Data</td>
<td>31</td>
<td>31</td>
<td>31</td>
<td>31</td>
<td>31</td>
<td>31</td>
<td>31</td>
<td>31</td>
<td>31</td>
</tr>
<tr>
<td>Days &gt; 0.070</td>
<td>11</td>
<td>13</td>
<td>4</td>
<td>9</td>
<td>7</td>
<td>8</td>
<td>12</td>
<td>11</td>
<td>16</td>
</tr>
</tbody>
</table>

Ozone (ppm)

Daily Maximum Temperature (°C) (Hawthorne)
### Highest 8-hr Ozone Concentration & Daily Maximum Temperature  Jul 2021

<table>
<thead>
<tr>
<th></th>
<th>P2</th>
<th>RS</th>
<th>V4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arith Mean</td>
<td>.061</td>
<td>.061</td>
<td>.061</td>
</tr>
<tr>
<td>8-hr. Ozone 4th Max</td>
<td>.067</td>
<td>.067</td>
<td>.067</td>
</tr>
<tr>
<td>Days of Data</td>
<td>31</td>
<td>21</td>
<td>31</td>
</tr>
<tr>
<td>Days &gt; 0.070</td>
<td>1</td>
<td>2</td>
<td>0</td>
</tr>
</tbody>
</table>

#### Graphical Representation

- **Ozone (ppm)**
- **Daily Maximum Temperature (°C) (Roosevelt)**

#### Days

1-31

- **Price #2**
- **Roosevelt**
- **Vernal #4**
- **Exceed.**
- **TM**
Highest 8-hr Ozone Concentration & Daily Maximum Temperature  Jul 2021

<table>
<thead>
<tr>
<th>Arith Mean</th>
<th>SM</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.061</td>
<td></td>
</tr>
<tr>
<td>8 -hr. Ozone 4th Max</td>
<td>0.067</td>
</tr>
<tr>
<td>Days of Data</td>
<td>31</td>
</tr>
<tr>
<td>Days &gt; 0.070</td>
<td>0</td>
</tr>
</tbody>
</table>

Ozone (ppm)

Days

Daily Maximum Temperature (°C) (Smithfield)

Days

Days 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

Ozone (ppm)

Smithfield

Exceed.

TM
Highest 8-hr Ozone Concentration & Daily Maximum Temperature  Jul 2021

<table>
<thead>
<tr>
<th></th>
<th>LN</th>
<th>SF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arith Mean</td>
<td>0.064</td>
<td>0.064</td>
</tr>
<tr>
<td>8-hr Ozone 4th Max</td>
<td>0.074</td>
<td>0.075</td>
</tr>
<tr>
<td>Days of Data</td>
<td>31</td>
<td>31</td>
</tr>
<tr>
<td>Days &gt; 0.070</td>
<td>6</td>
<td>6</td>
</tr>
</tbody>
</table>

Daily Maximum Temperature (0°C)  (Lindon)
Highest 8-hr Ozone Concentration & Daily Maximum Temperature  Jul 2021

<table>
<thead>
<tr>
<th></th>
<th>EN</th>
<th>ES</th>
<th>HC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arith Mean</td>
<td>.054</td>
<td>.058</td>
<td>.056</td>
</tr>
<tr>
<td>8-hr. Ozone 4th Max</td>
<td>.059</td>
<td>.064</td>
<td>.060</td>
</tr>
</tbody>
</table>

Days of Data: 31 31 31
Days > 0.070: 0 1 0

Enoch
Escalante
Hurricane
Exceed.
TM
Highest 8-hr Ozone Concentration & Daily Maximum Temperature Aug 2021

<table>
<thead>
<tr>
<th></th>
<th>BV</th>
<th>CV</th>
<th>ED</th>
<th>H3</th>
<th>HV</th>
<th>HW</th>
<th>NR</th>
<th>RP</th>
<th>TSC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arith Mean</td>
<td>.064</td>
<td>.067</td>
<td>.060</td>
<td>.068</td>
<td>.061</td>
<td>.065</td>
<td>.062</td>
<td>.062</td>
<td>.065</td>
</tr>
<tr>
<td>8-hr. Ozone 4th Max</td>
<td>.067</td>
<td>.071</td>
<td>.066</td>
<td>.067</td>
<td>.068</td>
<td>.070</td>
<td>.071</td>
<td>.065</td>
<td>.071</td>
</tr>
<tr>
<td>Days of Data</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>13</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>Days &gt; 0.070</td>
<td>3</td>
<td>4</td>
<td>2</td>
<td>3</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>3</td>
<td>4</td>
</tr>
</tbody>
</table>

Ozone (ppm) vs. Daily Maximum Temperature (ºC) (Hawthorne)
Highest 8-hr Ozone Concentration & Daily Maximum Temperature  Aug 2021

<table>
<thead>
<tr>
<th></th>
<th>P2</th>
<th>RS</th>
<th>V4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arith Mean</td>
<td>.064</td>
<td>.064</td>
<td>.061</td>
</tr>
<tr>
<td>8-hr. Ozone 4th Max</td>
<td>.068</td>
<td>.067</td>
<td>.065</td>
</tr>
<tr>
<td>Days of Data</td>
<td>15</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>Days &gt; 0.070</td>
<td>1</td>
<td>2</td>
<td>2</td>
</tr>
</tbody>
</table>

Price #2

Roosevelt

Vernal #4

- Exceed.

TM

Days

Ozone (ppm)

Daily Maximum Temperature (°C) (Roosevelt)
### Highest 8-hr Ozone Concentration & Daily Maximum Temperature Aug 2021

#### Smithfield

| Arith Mean | .057 |
| 8-hr. Ozone 4th Max | .064 |
| Days of Data | 15 |
| Days > 0.070 | 1 |

#### Graph:

- **Y-axis:** Ozone (ppm)
- **X-axis:** Days
- **Legend:**
  - Smithfield
  - Exceed.
  - TM

- **Data Points:**
  - Various days with corresponding ozone and temperature values.
### Highest 8-hr Ozone Concentration & Daily Maximum Temperature  Jul 2021

<table>
<thead>
<tr>
<th></th>
<th>LN</th>
<th>SF</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Arith Mean</strong></td>
<td>.065</td>
<td>.062</td>
</tr>
<tr>
<td><strong>8-hr. Ozone 4th Max</strong></td>
<td>.068</td>
<td>.066</td>
</tr>
<tr>
<td><strong>Days of Data</strong></td>
<td>15</td>
<td>13</td>
</tr>
<tr>
<td><strong>Days &gt; 0.070</strong></td>
<td>3</td>
<td>2</td>
</tr>
</tbody>
</table>

![Graph showing Ozone Concentration and Daily Maximum Temperature for July 2021 for Lindon and Spanish Fork, with data points marked for each day and statistical values presented in a table.]
Highest 8-hr Ozone Concentration & Daily Maximum Temperature  Aug 2021

<table>
<thead>
<tr>
<th></th>
<th>EN</th>
<th>ES</th>
<th>HC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arith Mean</td>
<td>.058</td>
<td>.060</td>
<td>.057</td>
</tr>
<tr>
<td>8-hr. Ozone 4th Max</td>
<td>.061</td>
<td>.061</td>
<td>.059</td>
</tr>
<tr>
<td>Days of Data</td>
<td>15</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>Days &gt; 0.070</td>
<td>1</td>
<td>2</td>
<td>1</td>
</tr>
</tbody>
</table>

- **EN**
- **ES**
- **HC**

**Legend:**
- **Enoch**
- **Escalante**
- **Hurricane**
- **Exceed.**
- **TM**
## Highest 8-hr Ozone Concentration & Daily Maximum Temperature  Aug 2021

<table>
<thead>
<tr>
<th></th>
<th>IP</th>
<th>LP</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Arith Mean</strong></td>
<td>.061</td>
<td>.062</td>
</tr>
<tr>
<td><strong>8-hr. Ozone 4th Max</strong></td>
<td>.067</td>
<td>.067</td>
</tr>
<tr>
<td><strong>Days of Data</strong></td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td><strong>Days &gt; 0.070</strong></td>
<td>3</td>
<td>3</td>
</tr>
</tbody>
</table>

### Inland port (IP) vs. Lake Park (LP)

- **Inland port**
- **Lake Park**
- **Exceed.**
- **TM**

[Graph showing daily maximum temperature and ozone levels for both Inland port and Lake Park, with exceedance and temperature markers.]

- **Ozone (ppm)**: The graph displays the daily maximum ozone concentration ranging from 0.01 ppm to 0.1 ppm.
- **Days**:
  - Days 1 to 31 of August 2021 are plotted.
  - Days marked with data points are for Inland port (IP) and Lake Park (LP).
  - Days exceeding 0.070 ppm are highlighted.

- **Daily Maximum Temperature (°C)**: The graph shows the daily maximum temperature for Hawthorne, ranging from -10.0°C to 65.0°C.
# Non-Certified PM2.5 (ug/m3)

<table>
<thead>
<tr>
<th>Location</th>
<th>July-2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>BV</td>
<td>BV</td>
</tr>
<tr>
<td>CV</td>
<td>CV</td>
</tr>
<tr>
<td>ED</td>
<td>ED</td>
</tr>
<tr>
<td>H3</td>
<td>H3</td>
</tr>
<tr>
<td>HV</td>
<td>HV</td>
</tr>
<tr>
<td>HW</td>
<td>HW</td>
</tr>
<tr>
<td>NR</td>
<td>NR</td>
</tr>
<tr>
<td>RP</td>
<td>RP</td>
</tr>
<tr>
<td>TSC</td>
<td>TSC</td>
</tr>
</tbody>
</table>

**Legend**
- Unhealthy (55.5-150.4 ug/m3)
- Unhealthy for Sensitive Groups (35.5-55.4 ug/m3)
- Moderate (12.1-35.4 ug/m3)
- Good (0-12 ug/m3)
<table>
<thead>
<tr>
<th>P2</th>
<th>July-2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>26</td>
<td>6.8</td>
</tr>
<tr>
<td>27</td>
<td>6.1</td>
</tr>
<tr>
<td>28</td>
<td>6.2</td>
</tr>
<tr>
<td>29</td>
<td>6.1</td>
</tr>
<tr>
<td>30</td>
<td>5.9</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RS</th>
<th>July-2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>26</td>
<td>6.1</td>
</tr>
<tr>
<td>27</td>
<td>8.2</td>
</tr>
<tr>
<td>28</td>
<td>5.8</td>
</tr>
<tr>
<td>29</td>
<td>8.1</td>
</tr>
<tr>
<td>30</td>
<td>6.7</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>V4</th>
<th>July-2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>26</td>
<td>6.5</td>
</tr>
<tr>
<td>27</td>
<td>6.5</td>
</tr>
<tr>
<td>28</td>
<td>5.5</td>
</tr>
<tr>
<td>29</td>
<td>5.5</td>
</tr>
<tr>
<td>30</td>
<td>7.9</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EN</th>
<th>July-2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>26</td>
<td>7</td>
</tr>
<tr>
<td>27</td>
<td>6.6</td>
</tr>
<tr>
<td>28</td>
<td>5</td>
</tr>
<tr>
<td>29</td>
<td>8</td>
</tr>
<tr>
<td>30</td>
<td>7.2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>HC</th>
<th>July-2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>26</td>
<td>7.5</td>
</tr>
<tr>
<td>27</td>
<td>8</td>
</tr>
<tr>
<td>28</td>
<td>7.1</td>
</tr>
<tr>
<td>29</td>
<td>5.9</td>
</tr>
<tr>
<td>30</td>
<td>5.3</td>
</tr>
</tbody>
</table>
### LN July-2021

<p>| | | | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>S</td>
<td>M</td>
<td>T</td>
<td>W</td>
<td>T</td>
<td>F</td>
<td>S</td>
<td>M</td>
</tr>
<tr>
<td>26</td>
<td>27</td>
<td>28</td>
<td>29</td>
<td>30</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12.6</td>
<td>12.7</td>
<td>10.9</td>
<td>10.2</td>
<td>8.6</td>
<td>10.2</td>
<td>15.1</td>
<td>7.4</td>
</tr>
<tr>
<td>24.8</td>
<td>29.9</td>
<td>41.2</td>
<td>6.8</td>
<td>11</td>
<td>12.1</td>
<td>15.9</td>
<td>21.1</td>
</tr>
<tr>
<td>8.1</td>
<td>12</td>
<td>13</td>
<td>0.8</td>
<td>9.7</td>
<td>5.1</td>
<td>6.7</td>
<td>9.2</td>
</tr>
<tr>
<td>17.7</td>
<td>35.8</td>
<td>21</td>
<td>9.2</td>
<td>5</td>
<td>6.8</td>
<td>3.1</td>
<td>18</td>
</tr>
<tr>
<td>4.1</td>
<td>5.7</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
</tbody>
</table>

### SF July-2021

<p>| | | | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>S</td>
<td>M</td>
<td>T</td>
<td>W</td>
<td>T</td>
<td>F</td>
<td>S</td>
<td>M</td>
</tr>
<tr>
<td>26</td>
<td>27</td>
<td>28</td>
<td>29</td>
<td>30</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.5</td>
<td>11.4</td>
<td>9.8</td>
<td>6.5</td>
<td>7</td>
<td>7.8</td>
<td>18.7</td>
<td>4.8</td>
</tr>
<tr>
<td>21.1</td>
<td>25.2</td>
<td>21.3</td>
<td>10.8</td>
<td>8.2</td>
<td>9.4</td>
<td>8.8</td>
<td>9.2</td>
</tr>
<tr>
<td>9.2</td>
<td>7.8</td>
<td>8.9</td>
<td>6.7</td>
<td>5.6</td>
<td>6.4</td>
<td>6.8</td>
<td>9.2</td>
</tr>
<tr>
<td>18</td>
<td>24.8</td>
<td>12.1</td>
<td>5.2</td>
<td>4.2</td>
<td>6.2</td>
<td>3.6</td>
<td>5.7</td>
</tr>
<tr>
<td>5</td>
<td>6</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### IP July-2021

<p>| | | | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>S</td>
<td>M</td>
<td>T</td>
<td>W</td>
<td>T</td>
<td>F</td>
<td>S</td>
<td>M</td>
</tr>
<tr>
<td>26</td>
<td>27</td>
<td>28</td>
<td>29</td>
<td>30</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8.8</td>
<td>9.7</td>
<td>4.4</td>
<td>7.9</td>
<td>13.3</td>
<td>11.4</td>
<td>19.5</td>
<td>4.4</td>
</tr>
<tr>
<td>13.2</td>
<td>29.3</td>
<td>25.4</td>
<td>16.4</td>
<td>10.8</td>
<td>12.5</td>
<td>10.5</td>
<td>22.3</td>
</tr>
<tr>
<td>13.4</td>
<td>11.4</td>
<td>6.8</td>
<td>5</td>
<td>5.6</td>
<td>5.8</td>
<td>7.4</td>
<td>10</td>
</tr>
<tr>
<td>22.8</td>
<td>26</td>
<td>26.5</td>
<td>4.7</td>
<td>6.3</td>
<td>5.6</td>
<td>4.7</td>
<td>34.2</td>
</tr>
<tr>
<td>6.3</td>
<td>6.5</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
</tbody>
</table>

### LP July-2021

<p>| | | | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>S</td>
<td>M</td>
<td>T</td>
<td>W</td>
<td>T</td>
<td>F</td>
<td>S</td>
<td>M</td>
</tr>
<tr>
<td>26</td>
<td>27</td>
<td>28</td>
<td>29</td>
<td>30</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9.4</td>
<td>10.6</td>
<td>6.7</td>
<td>7.2</td>
<td>8.4</td>
<td>10</td>
<td>15.5</td>
<td>4.7</td>
</tr>
<tr>
<td>22.3</td>
<td>39</td>
<td>32.6</td>
<td>15.4</td>
<td>8.5</td>
<td>10</td>
<td>9.5</td>
<td>10</td>
</tr>
<tr>
<td>10</td>
<td>9.4</td>
<td>6.4</td>
<td>6.4</td>
<td>6.6</td>
<td>6.4</td>
<td>7.7</td>
<td>10</td>
</tr>
<tr>
<td>34.2</td>
<td>39.1</td>
<td>30.9</td>
<td>6.1</td>
<td>5.5</td>
<td>6.6</td>
<td>4.6</td>
<td>6.5</td>
</tr>
<tr>
<td>6.5</td>
<td>6</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
</tbody>
</table>

### SM July-2021

<p>| | | | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>S</td>
<td>M</td>
<td>T</td>
<td>W</td>
<td>T</td>
<td>F</td>
<td>S</td>
<td>M</td>
</tr>
<tr>
<td>26</td>
<td>27</td>
<td>28</td>
<td>29</td>
<td>30</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10.9</td>
<td>9.7</td>
<td>8.2</td>
<td>7.1</td>
<td>7.4</td>
<td>11.7</td>
<td>19.4</td>
<td>5.6</td>
</tr>
<tr>
<td>17.2</td>
<td>25.6</td>
<td>22.1</td>
<td>22</td>
<td>21.5</td>
<td>16.1</td>
<td>13.9</td>
<td>10.9</td>
</tr>
<tr>
<td>10.6</td>
<td>11.3</td>
<td>10.5</td>
<td>9.5</td>
<td>16.2</td>
<td>10.1</td>
<td>8.6</td>
<td>24.4</td>
</tr>
<tr>
<td>7.8</td>
<td>24.5</td>
<td>7.8</td>
<td>7.2</td>
<td>10.5</td>
<td>6.8</td>
<td>24.4</td>
<td>24.9</td>
</tr>
<tr>
<td>7.8</td>
<td>24.5</td>
<td>7.8</td>
<td>7.2</td>
<td>10.5</td>
<td>6.8</td>
<td>24.4</td>
<td>24.9</td>
</tr>
</tbody>
</table>

- **Unhealthy (55.5-150.4 ug/m³)**
- **Unhealthy for Sensitive Groups (35.5-55.4 ug/m³)**
- **Moderate (12.1-35.4 ug/m³)**
- **Good (0-12 ug/m³)**
<table>
<thead>
<tr>
<th></th>
<th>LN August-2021</th>
<th>SF August-2021</th>
<th>IP August-2021</th>
<th>LP August-2021</th>
<th>SM August-2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>31</td>
<td>2.7</td>
<td>3.8</td>
<td>4.4</td>
<td>4.6</td>
<td>6.5</td>
</tr>
<tr>
<td>4</td>
<td>3.5</td>
<td>3.7</td>
<td>4.2</td>
<td>4.4</td>
<td>5.2</td>
</tr>
<tr>
<td>5</td>
<td>11</td>
<td>9.9</td>
<td>13.4</td>
<td>14.5</td>
<td>13.1</td>
</tr>
<tr>
<td>6</td>
<td>19.5</td>
<td>18.7</td>
<td>23.4</td>
<td>24.8</td>
<td>22.7</td>
</tr>
<tr>
<td>7</td>
<td>13.8</td>
<td>12.4</td>
<td>14.9</td>
<td>24.5</td>
<td>14.6</td>
</tr>
<tr>
<td>8</td>
<td>50.6</td>
<td>49.6</td>
<td>51</td>
<td>19.3</td>
<td>14.5</td>
</tr>
<tr>
<td>9</td>
<td>11.6</td>
<td>12.3</td>
<td>14.4</td>
<td>12.5</td>
<td>32.5</td>
</tr>
<tr>
<td>10</td>
<td>33.1</td>
<td>12.3</td>
<td>10.4</td>
<td>13.2</td>
<td>10</td>
</tr>
</tbody>
</table>

**Legend:**
- **Good (0-12 ug/m^3)**
- **Moderate (12.1-35.4 ug/m^3)**
- **Unhealthy for Sensitive Groups (35.5-55.4 ug/m^3)**
- **Unhealthy (55.5-150.4 ug/m^3)**
<table>
<thead>
<tr>
<th>BV</th>
<th>July-2021</th>
<th>CV</th>
<th>July-2021</th>
<th>ED</th>
<th>July-2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.063</td>
<td>0.068</td>
<td>0.068</td>
<td>0.063</td>
<td>0.064</td>
<td>0.063</td>
</tr>
<tr>
<td>0.079</td>
<td>0.074</td>
<td>0.084</td>
<td>0.081</td>
<td>0.071</td>
<td>0.064</td>
</tr>
<tr>
<td>0.074</td>
<td>0.073</td>
<td>0.082</td>
<td>0.084</td>
<td>0.067</td>
<td>0.066</td>
</tr>
<tr>
<td>0.076</td>
<td>0.076</td>
<td>0.077</td>
<td>0.077</td>
<td>0.069</td>
<td>0.069</td>
</tr>
<tr>
<td>0.069</td>
<td></td>
<td>0.072</td>
<td></td>
<td>0.072</td>
<td></td>
</tr>
<tr>
<td>S</td>
<td>S</td>
<td>M</td>
<td>T</td>
<td>W</td>
<td>T</td>
</tr>
<tr>
<td>26</td>
<td>27</td>
<td>28</td>
<td>29</td>
<td>30</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>H3</th>
<th>July-2021</th>
<th>HV</th>
<th>July-2021</th>
<th>HW</th>
<th>July-2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.067</td>
<td>0.064</td>
<td>0.059</td>
<td>0.069</td>
<td>0.064</td>
<td>0.065</td>
</tr>
<tr>
<td>0.08</td>
<td>0.073</td>
<td>0.073</td>
<td>0.072</td>
<td>0.074</td>
<td>0.074</td>
</tr>
<tr>
<td>0.069</td>
<td>0.067</td>
<td>0.062</td>
<td>0.069</td>
<td>0.069</td>
<td>0.069</td>
</tr>
<tr>
<td>0.079</td>
<td>0.075</td>
<td>0.072</td>
<td>0.072</td>
<td>0.076</td>
<td>0.076</td>
</tr>
<tr>
<td>0.076</td>
<td></td>
<td>0.065</td>
<td></td>
<td>0.071</td>
<td></td>
</tr>
<tr>
<td>S</td>
<td>S</td>
<td>M</td>
<td>T</td>
<td>W</td>
<td>T</td>
</tr>
<tr>
<td>26</td>
<td>27</td>
<td>28</td>
<td>29</td>
<td>30</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NR</th>
<th>July-2021</th>
<th>RP</th>
<th>July-2021</th>
<th>TSC</th>
<th>July-2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.065</td>
<td>0.066</td>
<td>0.063</td>
<td>0.066</td>
<td>0.066</td>
<td>0.067</td>
</tr>
<tr>
<td>0.08</td>
<td>0.072</td>
<td>0.081</td>
<td>0.082</td>
<td>0.081</td>
<td>0.081</td>
</tr>
<tr>
<td>0.072</td>
<td>0.077</td>
<td>0.074</td>
<td>0.072</td>
<td>0.074</td>
<td>0.074</td>
</tr>
<tr>
<td>0.083</td>
<td>0.074</td>
<td>0.073</td>
<td>0.072</td>
<td>0.074</td>
<td>0.074</td>
</tr>
<tr>
<td>0.069</td>
<td></td>
<td>0.07</td>
<td></td>
<td>0.074</td>
<td></td>
</tr>
<tr>
<td>S</td>
<td>S</td>
<td>M</td>
<td>T</td>
<td>W</td>
<td>T</td>
</tr>
<tr>
<td>26</td>
<td>27</td>
<td>28</td>
<td>29</td>
<td>30</td>
<td></td>
</tr>
</tbody>
</table>

Color legend:
- **Good (0-12 ug/m3)**
- **Moderate (12.1-35.4 ug/m3)**
- **Unhealthy for Sensitive Groups (35.5-55.4 ug/m3)**
- **Unhealthy (55.5-150.4 ug/m3)**
<table>
<thead>
<tr>
<th></th>
<th>PZ</th>
<th>July-2021</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>26</td>
<td>0.056</td>
</tr>
<tr>
<td></td>
<td>27</td>
<td>0.057</td>
</tr>
<tr>
<td></td>
<td>28</td>
<td>0.055</td>
</tr>
<tr>
<td></td>
<td>29</td>
<td>0.054</td>
</tr>
<tr>
<td></td>
<td>30</td>
<td>0.056</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>RS</th>
<th>July-2021</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>26</td>
<td>0.058</td>
</tr>
<tr>
<td></td>
<td>27</td>
<td>0.058</td>
</tr>
<tr>
<td></td>
<td>28</td>
<td>0.054</td>
</tr>
<tr>
<td></td>
<td>29</td>
<td>0.055</td>
</tr>
<tr>
<td></td>
<td>30</td>
<td>0.059</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>V4</th>
<th>July-2021</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>26</td>
<td>0.056</td>
</tr>
<tr>
<td></td>
<td>27</td>
<td>0.054</td>
</tr>
<tr>
<td></td>
<td>28</td>
<td>0.055</td>
</tr>
<tr>
<td></td>
<td>29</td>
<td>0.059</td>
</tr>
<tr>
<td></td>
<td>30</td>
<td>0.058</td>
</tr>
</tbody>
</table>

Unhealthy (55.5-150.4 ug/m³)

Unhealthy for Sensitive Groups (35.5-55.4 ug/m³)

Moderate (12.1-35.4 ug/m³)

Good (0-12 ug/m³)
<table>
<thead>
<tr>
<th>LN</th>
<th>July-2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>26</td>
<td>0.062</td>
</tr>
<tr>
<td>27</td>
<td>0.068</td>
</tr>
<tr>
<td>28</td>
<td>0.069</td>
</tr>
<tr>
<td>29</td>
<td>0.066</td>
</tr>
<tr>
<td>30</td>
<td>0.061</td>
</tr>
<tr>
<td></td>
<td>0.063</td>
</tr>
<tr>
<td>0.071</td>
<td></td>
</tr>
<tr>
<td>0.068</td>
<td></td>
</tr>
<tr>
<td>0.059</td>
<td></td>
</tr>
<tr>
<td>0.059</td>
<td></td>
</tr>
<tr>
<td>0.057</td>
<td></td>
</tr>
<tr>
<td>0.055</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SF</th>
<th>July-2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>26</td>
<td>0.06</td>
</tr>
<tr>
<td>27</td>
<td>0.068</td>
</tr>
<tr>
<td>28</td>
<td>0.069</td>
</tr>
<tr>
<td>29</td>
<td>0.066</td>
</tr>
<tr>
<td>30</td>
<td>0.064</td>
</tr>
<tr>
<td></td>
<td>0.066</td>
</tr>
<tr>
<td>0.071</td>
<td></td>
</tr>
<tr>
<td>0.068</td>
<td></td>
</tr>
<tr>
<td>0.059</td>
<td></td>
</tr>
<tr>
<td>0.059</td>
<td></td>
</tr>
<tr>
<td>0.057</td>
<td></td>
</tr>
<tr>
<td>0.055</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>IP</th>
<th>July-2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>26</td>
<td>0.062</td>
</tr>
<tr>
<td>27</td>
<td>0.063</td>
</tr>
<tr>
<td>28</td>
<td>0.058</td>
</tr>
<tr>
<td>29</td>
<td>0.059</td>
</tr>
<tr>
<td>30</td>
<td>0.069</td>
</tr>
<tr>
<td></td>
<td>0.069</td>
</tr>
<tr>
<td>0.062</td>
<td></td>
</tr>
<tr>
<td>0.078</td>
<td></td>
</tr>
<tr>
<td>0.067</td>
<td></td>
</tr>
<tr>
<td>0.067</td>
<td></td>
</tr>
<tr>
<td>0.067</td>
<td></td>
</tr>
<tr>
<td>0.067</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LP</th>
<th>July-2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>26</td>
<td>0.062</td>
</tr>
<tr>
<td>27</td>
<td>0.064</td>
</tr>
<tr>
<td>28</td>
<td>0.059</td>
</tr>
<tr>
<td>29</td>
<td>0.061</td>
</tr>
<tr>
<td>30</td>
<td>0.069</td>
</tr>
<tr>
<td></td>
<td>0.066</td>
</tr>
<tr>
<td>0.078</td>
<td></td>
</tr>
<tr>
<td>0.073</td>
<td></td>
</tr>
<tr>
<td>0.071</td>
<td></td>
</tr>
<tr>
<td>0.071</td>
<td></td>
</tr>
<tr>
<td>0.071</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SM</th>
<th>July-2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>26</td>
<td>0.062</td>
</tr>
<tr>
<td>27</td>
<td>0.065</td>
</tr>
<tr>
<td>28</td>
<td>0.068</td>
</tr>
<tr>
<td>29</td>
<td>0.053</td>
</tr>
<tr>
<td>30</td>
<td>0.058</td>
</tr>
<tr>
<td></td>
<td>0.056</td>
</tr>
<tr>
<td>0.067</td>
<td></td>
</tr>
<tr>
<td>0.065</td>
<td></td>
</tr>
<tr>
<td>0.065</td>
<td></td>
</tr>
<tr>
<td>0.065</td>
<td></td>
</tr>
<tr>
<td>0.065</td>
<td></td>
</tr>
</tbody>
</table>

### Color Legend
- **Green**: Good (0-12 ug/m3)
- **Yellow**: Moderate (12.1-35.4 ug/m3)
- **Orange**: Unhealthy for Sensitive Groups (35.5-55.4 ug/m3)
- **Red**: Unhealthy (55.5-150.4 ug/m3)
<table>
<thead>
<tr>
<th></th>
<th>BV August-2021</th>
<th>CV August-2021</th>
<th>ED August-2021</th>
<th>H3 August-2021</th>
<th>HV July-2021</th>
<th>HW August-2021</th>
<th>NR August-2021</th>
<th>RP August-2021</th>
<th>TSC</th>
</tr>
</thead>
<tbody>
<tr>
<td>31</td>
<td>0.063</td>
<td>0.071</td>
<td>0.066</td>
<td>0.067</td>
<td>0.065</td>
<td>0.066</td>
<td>0.071</td>
<td>0.064</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>0.072</td>
<td>0.061</td>
<td>0.065</td>
<td>0.067</td>
<td>0.058</td>
<td>0.067</td>
<td>0.072</td>
<td>0.071</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>0.065</td>
<td>0.074</td>
<td>0.066</td>
<td>0.067</td>
<td>0.061</td>
<td>0.061</td>
<td>0.074</td>
<td>0.074</td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>0.066</td>
<td>0.075</td>
<td>0.067</td>
<td>0.068</td>
<td>0.063</td>
<td>0.075</td>
<td>0.066</td>
<td>0.075</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>0.066</td>
<td>0.067</td>
<td>0.067</td>
<td>0.068</td>
<td>0.065</td>
<td>0.067</td>
<td>0.066</td>
<td>0.067</td>
<td></td>
</tr>
</tbody>
</table>

Unhealthy (55.5-150.4 ug/m³)
Unhealthy for Sensitive Groups (35.5-55.4 ug/m³)
Moderate (12.1-35.4 ug/m³)
Good (0-12 ug/m³)