

- (c) the cost-effectiveness of the proposed project;
- (d) the feasibility and practicality of the project; and
- (e) other factors that the director determines should apply

based on the nature of the application.

(3) In prioritizing grant awards, the director may also, at the request of an applicant, consider the financial need of the applicant.

(4) A successful grant applicant will be required to agree:

(a) to provide information to the division about the vehicles, equipment, or technology acquired with the grant proceeds;

(b) to allow inspections by the division to ensure compliance with the terms of the grant;

(c) to permanently disable replaced vehicles, engines, and equipment from use; and

(d) for any grant that is not given on a reimbursement basis, to commit to complete the project as proposed;

(e) not to change the location or use of the vehicle, engine or equipment from the location or use proposed in their application without approval of the director; and

(f) to any additional terms as determined by the director.

(5) Eligible vehicles are defined in 19-2-202(7). No additional vehicles under 19-2-202(7)(e) are eligible at this time.

(6) The division shall use the following procedures to implement the grant program:

(a) The division shall provide notice on the division's website of the availability of grants and of cut-off dates for applications.

(b) An application for a grant shall be on a form provided by the division.

(c) The director may provide grants on a reimbursement basis or as an advance award.

(d) Successful grant applicants will be required to sign a grant agreement that contains the terms described in R307-125-4]3(4).

(e) State agencies and employees are eligible to participate in the program and are subject to program requirements.

**R307-125-[5]4. Exchange, Rebate, or Low-Cost Purchase Programs Under 19-2-203(2).**

(1) The director has discretion to choose whether to use an exchange, rebate or low-cost purchase program.

(2) The division shall use the following procedures to implement an exchange, rebate or low-cost purchase program:

(a) The division shall provide notice on the division's website of any exchange, rebate or low-cost purchase program.

(b) An application for an exchange, rebate, or low-cost purchase shall be on a form provided by the division.

(c) State agencies and employees are eligible to participate in any program and are subject to program requirements.

(d) The director may establish additional procedures appropriate to the specific program.

(3) A participant in an exchange, rebate, or low-cost purchase program will be required to agree to the terms outlined in the application as determined by the director.

**KEY: air quality, grants, rebates, purchase program**

**Date of Enactment or Last Substantive Amendment: [December 4, 2014]2017**

**Authorizing, and Implemented or Interpreted Law: 19-1-203; 19-2-203**

**Environmental Quality, Air Quality  
R307-841  
Residential Property and Child-  
Occupied Facility Renovation**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 41100

FILED: 12/15/2016

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this rule change is to implement amendments that EPA made to its regulations regarding lead-based paint renovator certification courses into the Utah State Air Quality rules.

**SUMMARY OF THE RULE OR CHANGE:** These amendments reduce the training burden and costs to the regulated community by allowing electronic training as an option for the LBP renovator refresher course.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Subsection 19-2-104(1)(i)

**ANTICIPATED COST OR SAVINGS TO:**

♦ **THE STATE BUDGET:** There will be no cost or savings to the state budget because the rule amendment only impacts how the regulated community is able to take "renovator refresher courses." The state does not have any new financial obligations regarding the new online course.

♦ **LOCAL GOVERNMENTS:** There will be no cost or savings to the local government because the rule amendment only impacts how the regulated community is able to take "renovator refresher courses." Local governments do not have any new financial obligations regarding the new online course.

♦ **SMALL BUSINESSES:** There may be a savings to small businesses that participate in "renovator refresher courses." The ability to take the course online could save some companies money because hosting or attending an in-person course can cost people money commuting. Any savings gained from taking an online class cannot be estimated as the avoided commute will vary from person to person.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Other persons will see a small savings because the rule enables people to take the course online. This could save people gas money and other small costs associated with commuting. Any savings gained from taking an online class cannot be estimated as the avoided commute will vary from person to person.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** The rule amendments add no new compliance costs for the regulated community because the rule is allowing people to take the course online so that people can save money and time on commuting.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There may be a savings to businesses that participate in "renovator refresher courses." The ability to take the course online could save some companies money.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 ENVIRONMENTAL QUALITY  
 AIR QUALITY  
 FOURTH FLOOR  
 195 N 1950 W  
 SALT LAKE CITY, UT 84116-3085  
 or at the Office of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**  
 ♦ Ryan Stephens by phone at 801-536-4419, by FAX at 801-536-0085, or by Internet E-mail at rstephens@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 01/31/2017

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2017

AUTHORIZED BY: Bryce Bird, Director

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**R307. Environmental Quality, Air Quality.**

**R307-841. Residential Property and Child-Occupied Facility Renovation.**

**R307-841-1. Purpose.**

This rule ~~contains~~ 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.

**R307-841-7. Firm Certification.**

- (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.

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 3 years but less than 4 years have passed since a renovator re-certification course is completed through an e-learning refresher course, then the individual may apply for re-certification. Lead-based paint renovators and dust sampling technicians are not required to take a director exam to become re-certified. 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.

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

**Date of Enactment or Last Substantive Amendment:** ~~May 5, 2016~~ 2017

**Notice of Continuation:** February 5, 2015

**Authorizing, and Implemented or Interpreted Law:** 19-2-104(1)(i)

## Environmental Quality, Air Quality R307-842 Lead-Based Paint Activities

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41101

FILED: 12/15/2016

### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this rule change is to implement amendments that EPA made to its regulations regarding lead-based paint (LBP) renovator certification courses into the Utah State Air Quality rules.

**SUMMARY OF THE RULE OR CHANGE:** These amendments reduce the training burden and costs to the regulated community by allowing electronic training as an option for the LBP renovator refresher course.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Subsection 19-2-104(1)(i)

### ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There will be no cost or savings to the state budget, because the rule amendment only impacts how the regulated community is able to take "renovator refresher courses." The state does not have any new financial obligations regarding the new online course.

◆ **LOCAL GOVERNMENTS:** There will be no cost or savings to the local government because the rule amendment only impacts how the regulated community is able to take "renovator refresher courses." Local governments do not have any new financial obligations regarding the new online course.

◆ **SMALL BUSINESSES:** There may be a savings to small businesses that participate in "renovator refresher courses." The ability to take the course online could save some companies money because hosting or attending an in-person course can cost people money commuting. Any savings gained from taking an online class cannot be estimated as the avoided commute will vary from person to person.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Other persons will see a small savings because the rule enables people to take the course online. This could save people gas money and other small costs associated with commuting. Any savings gained from taking an online class cannot be estimated as the avoided commute will vary from person to person.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** The rule amendments add no new compliance costs for the regulated community because the rule is allowing people to take the course online so that people can save money and time on commuting.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There may be a savings to businesses that participate in "renovator refresher courses." The ability to take the course online could save some companies money.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 ENVIRONMENTAL QUALITY  
 AIR QUALITY  
 FOURTH FLOOR  
 195 N 1950 W  
 SALT LAKE CITY, UT 84116-3085  
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Ryan Stephens by phone at 801-536-4419, by FAX at 801-536-0085, or by Internet E-mail at rstephens@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 01/31/2017

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2017

AUTHORIZED BY: Bryce Bird, Director

**R307. Environmental Quality, Air Quality.**

**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 accredited by the director or are 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) 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.

(d) 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.