

The Senate Natural Resources and the Environment Committee offered the following substitute to HB 1298:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated,
2 relating to hazardous waste, so as to amend certain definitions relating to hazardous waste;
3 to update certain provisions to make such provisions consistent with federal regulations; to
4 amend Chapter 41 of Title 31 of the Official Code of Georgia Annotated, relating to lead
5 poisoning prevention, so as to extensively revise the provisions of Article 1 of said chapter
6 relating to identification and abatement of lead hazards; to define terms; to amend provisions
7 relating to renovation activities which are regulated; to change provisions relating to training,
8 certification, licensure, and regulation of persons performing renovation activities; to provide
9 for related matters; to provide an effective date; to repeal conflicting laws; and for other
10 purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

12 Article 3 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to
13 hazardous waste, is amended in Part 1, relating to hazardous waste management, by revising
14 Code Section 12-8-62, relating to definitions, as follows:
15

16 "12-8-62.

17 As used in this part, the term:

18 (1) 'Board' means the Board of Natural Resources of the State of Georgia.

19 (2) 'Designated hazardous waste' means any solid waste identified as such in regulations
20 promulgated by the board. The board may identify as 'designated hazardous waste' any
21 solid waste which the board concludes is capable of posing a substantial present or
22 potential hazard to human health or the environment when improperly treated, stored,
23 transported, or disposed of or otherwise managed, based on the factors set forth in
24 regulations promulgated by the administrator of the United States Environmental
25 Protection Agency pursuant to the federal act which are codified as 40 C.F.R. Section

- 26 261.11(a)(3), in force and effect on February 1, ~~1996~~ 2010, if such solid waste contains
27 any substance which is listed on any one or more of the following lists:
- 28 (A) List of Hazardous Constituents, codified as 40 C.F.R. Part 261, Appendix VIII, in
29 force and effect on February 1, ~~1996~~ 2010;
 - 30 (B) Ground-water Monitoring List, codified as 40 C.F.R. Part 264, Appendix IX, in
31 force and effect on February 1, ~~1996~~ 2010;
 - 32 (C) List of Hazardous Substances and Reportable Quantities, codified as 40 C.F.R.
33 Table 302.4, and all appendices thereto, in force and effect on February 1, ~~1996~~ 2010;
 - 34 (D) List of Regulated Pesticides, codified as 40 C.F.R. Part 180, in force and effect on
35 February 1, ~~1996~~ 2010;
 - 36 (E) List of Extremely Hazardous Substances and Their Threshold Planning Quantities,
37 codified as 40 C.F.R. Part 355, Appendix A, in force and effect on February 1, ~~1996~~
38 2010; or
 - 39 (F) List of Chemicals and Chemical Categories, codified as 40 C.F.R. Part 372.65 in
40 force and effect on February 1, ~~1996~~ 2010.
- 41 (3) 'Director' means the director of the Environmental Protection Division of the
42 Department of Natural Resources.
- 43 (4) 'Disposal' means the discharge, deposit, injection, dumping, spilling, leaking, or
44 placing of any solid waste or hazardous waste into or on any land or water so that such
45 solid waste or hazardous waste or any constituent thereof may enter the environment or
46 be emitted into the air or discharged into any waters, including ground waters.
- 47 (5) 'Division' means the Environmental Protection Division of the Department of Natural
48 Resources.
- 49 (6) 'Federal act' means the federal Solid Waste Disposal Act, as amended, particularly
50 by the Resource Conservation and Recovery Act of 1976 (Public Law 94-580, 42 U.S.C.
51 Section 6901, et seq.), as amended, particularly by but not limited to the Used Oil
52 Recycling Act of 1980 (Public Law 96-463), the Solid Waste Disposal Act Amendments
53 of 1980 (Public Law 96-482), the Comprehensive Environmental Response,
54 Compensation, and Liability Act of 1980 (Public Law 96-510), the Hazardous and Solid
55 Waste Amendments of 1984 (Public Law 98-616), and the Superfund Amendments and
56 Reauthorization Act of 1986 (Public Law 99-499), as amended.
- 57 (7) 'Final disposition' means the location, time, and method by which hazardous waste
58 loses its identity or enters the environment, including, but not limited to, disposal,
59 disposal site closure and post closure, resource recovery, and treatment.
- 60 (8) 'Guarantor' means any person, other than the owner or operator, who provides
61 evidence of financial responsibility for an owner or operator pursuant to this article.

- 62 (9) 'Hazardous constituent' means any substance listed as a hazardous constituent in
63 regulations promulgated by the administrator of the United States Environmental
64 Protection Agency pursuant to the federal act which are in force and effect on February
65 1, ~~1996~~ 2010, codified as Appendix VIII to 40 C.F.R. Part 261—Identification and
66 Listing of Hazardous Waste.
- 67 (10) 'Hazardous waste' means any solid waste which has been defined as a hazardous
68 waste in regulations promulgated by the administrator of the United States Environmental
69 Protection Agency pursuant to the federal act which are in force and effect on ~~January 1,~~
70 ~~2006~~ February 1, 2010, codified as 40 C.F.R. Section 261.3 and any designated
71 hazardous waste.
- 72 (11) 'Hazardous waste facility' means any property or facility that is intended or used for
73 storage, treatment, or disposal of hazardous waste.
- 74 (12) 'Hazardous waste generation' means the act or process of producing hazardous
75 waste.
- 76 (13) 'Hazardous waste management' means the systematic recognition and control of
77 hazardous wastes from generation to final disposition or disposal, including, but not
78 limited to, identification, containerization, labeling, storage, collection, source separation,
79 transfer, transportation, processing, treatment, facility closure, post closure, perpetual
80 care, resource recovery, and disposal.
- 81 (14) 'Land disposal' means any placement of hazardous waste in a landfill, surface
82 impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt
83 bed formation, or underground mine or cave.
- 84 (15) 'Large quantity generator' means a hazardous waste generator who generates 2.2
85 pounds or more of acute hazardous waste or 2,200 pounds or more of hazardous waste
86 in one month, as defined in the Rules for Hazardous Waste Management, Chapter
87 391-3-11, of the Board of Natural Resources.
- 88 (16) 'Manifest' means a form or document used for identifying the quantity and
89 composition, and the origin, routing and destination, of hazardous waste during its
90 transportation from the point of generation, through any intermediate points, to the point
91 of disposal, treatment, or storage.
- 92 (17) 'Organization' means a legal entity, other than a government agency or authority,
93 established or organized for any purpose, and such term includes a corporation, company,
94 association, firm, partnership, joint stock company, foundation, institution, trust, society,
95 union, or any other association of persons.
- 96 (18) 'Person' means an individual, trust, firm, joint stock company, corporation
97 (including a government corporation), partnership, association, municipality,

98 commission, or political subdivision, or any agency, board, department, or bureau of this
99 state or of any other state or of the federal government.

100 (19) 'Serious bodily injury' means a bodily injury which involves a substantial risk of
101 death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or
102 protracted loss or impairment of the function of a bodily member, organ, or mental
103 faculty.

104 (20) 'Solid waste' means solid waste as defined by regulations promulgated by the
105 administrator of the United States Environmental Protection Agency pursuant to the
106 federal act which are in force and effect on February 1, ~~1996~~ 2010, codified as 40 C.F.R.
107 Sections 261.1, 261.2(a)-(d), and 261.4(a).

108 (21) 'Storage' means the containment or holding of hazardous waste, either on a
109 temporary basis or for a period of years, in such a manner as not to constitute disposal of
110 such hazardous waste.

111 (22) 'Transport' means the movement of hazardous waste from the point of generation
112 to any point of final disposition, storage, or disposal, including any intermediate point.

113 (23) 'Treatment' means any method, technique, or process, including neutralization,
114 designed to change the physical, chemical, or biological character or composition of any
115 hazardous waste so as to neutralize such waste or so as to render such waste
116 nonhazardous, safe for transport, amenable for recovery, amenable for storage, or reduced
117 in volume. Such term includes any activity or processing designed to change the physical
118 form or chemical composition of hazardous waste so as to render it nonhazardous.

119 (24) 'Waste reduction' means a practice, other than dewatering, dilution, or evaporation,
120 by an environmental waste generator, including changes in production technology,
121 materials, processes, operations or procedures or use of in-process, in-line, or closed loop
122 recycling according to standard engineering practices, that reduces the environmental and
123 health hazards associated with waste without diluting or concentrating the waste before
124 release, handling, storage, transport, treatment, or disposal of the waste. The term does
125 not include a practice applied to environmental waste after it is generated and exits a
126 production or commercial operation. Waste reduction shall not in any way be inferred
127 to promote, include, or require:

128 (A) Waste burning in industrial furnaces, boilers, or cement kilns;

129 (B) Transfer of an environmental waste from one environmental medium to another
130 environmental medium (otherwise known as waste shifting);

131 (C) Conversion of a potential waste into another form for use in a production process
132 or operation without serving any substantial productive function;

133 (D) Off-site waste recycling; or

134 (E) Any other method of end-of-pipe management of environmental wastes."

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SECTION 2.

Said article is further amended in Part 2, relating to hazardous site response, by revising Code Section 12-8-92, relating to definitions, as follows:

"12-8-92.

Unless otherwise defined in this part, the definition of all terms included in Code Section 12-8-62 shall be applicable to this part. As used in this part, the term:

(1) 'Corrective action contractor' means any person contracting with the division to perform any activities authorized to be paid from the hazardous waste trust fund.

(2) 'Environment' means:

(A) The navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson Fishery Conservation and Management Act; and

(B) Any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.

(3) 'Facility' means:

(A) Any building, structure, installation, equipment, pipe or pipeline, pipe into a sewer or publicly owned treatment works, well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft; or

(B) Any site or area where a hazardous waste, hazardous constituent, or hazardous substance has been deposited, stored, disposed of, placed, or has otherwise come to be located.

This term does not include any consumer product in consumer use but does include any vessel.

(4) 'Hazardous substance' means any substance listed on the List of Hazardous Substances and Reportable Quantities, codified as 40 C.F.R., Part 302, Table 302.4, in force and effect on February 1, ~~1996~~ 2010, or any substance listed on the List of Extremely Hazardous Substances and Their Threshold Planning Quantities, codified as 40 C.F.R., Part 355, Appendix A, in force and effect on ~~January 1, 2006~~ February 1, 2010.

(5) 'Inventory' means the hazardous site inventory compiled and updated by the division pursuant to Code Section 12-8-97.

(6) 'Onshore facility' means any facility of any kind including, but not limited to, motor vehicles and rolling stock located in, on, or under any land or nonnavigable waters within the United States.

(7) 'Owner' or 'operator' means:

171 (A) In the case of a vessel, any person owning, operating, or chartering by demise such
172 vessel;

173 (B) In the case of an onshore facility or an offshore facility, any person owning or
174 operating such facility; and

175 (C) In the case of any facility, title or control of which was conveyed due to
176 bankruptcy, foreclosure, tax delinquency, abandonment, or similar means to a unit of
177 state or local government, any person who owned, operated, or otherwise controlled
178 activities at such facility immediately beforehand.

179 Such term does not include a person who holds indicia of ownership primarily to protect
180 said person's security interest in the facility or who acts in good faith solely in a fiduciary
181 capacity and who did not actively participate in the management, disposal, or release of
182 hazardous wastes, hazardous constituents, or hazardous substances from the facility.
183 Such term does not include a unit of state or local government which acquired ownership
184 or control involuntarily through bankruptcy, tax delinquency, abandonment, or other
185 circumstances in which the government involuntarily acquires title by virtue of its
186 function as sovereign; provided, however, that this exclusion shall not apply to any state
187 or local government which has caused or contributed to the release of a hazardous waste,
188 hazardous constituent, or hazardous substance from the facility.

189 (8) 'Person' means an individual, trust, firm, joint-stock company, corporation,
190 partnership, association, authority, county, municipality, commission, political
191 subdivision of this state, or any agency, board, department, or bureau of any other state
192 or of the federal government.

193 (9) 'Person who has contributed or who is contributing to a release' means:

194 (A) The owner or operator of a facility;

195 (B) Any person who at the time of disposal of any hazardous waste, hazardous
196 constituent, or hazardous substance owned or operated any facility at which such
197 hazardous waste, hazardous constituent, or hazardous substance was disposed of;

198 (C) Any person who by contract, agreement, or otherwise arranged for disposal or
199 treatment of or arranged with a transporter for transport for disposal or treatment of
200 hazardous wastes, hazardous constituents, or hazardous substances owned or possessed
201 by such person or by any other party or entity at any facility owned or operated by
202 another party or entity and containing such hazardous wastes, hazardous constituents,
203 or hazardous substances. A person who arranged for the recycling of recovered
204 materials consisting solely of scrap paper, scrap plastic, scrap glass, scrap textiles, scrap
205 rubber other than whole tires, scrap metal or spent lead-acid, nickel-acid,
206 nickel-cadmium, and other batteries, and not consisting of any residue from a pollution

207 control device, shall not be deemed to have arranged for treatment or disposal under
208 this subparagraph; and

209 (D) Any person who accepts or accepted any hazardous wastes, hazardous constituents,
210 or hazardous substances for transport to disposal or treatment facilities or sites selected
211 by such person, from or at which facility or site there is a release of a hazardous waste,
212 a hazardous constituent, or a hazardous substance.

213 (10) 'Pollution prevention' means:

214 (A) The elimination at the source of the use, generation, or release of hazardous
215 constituents, hazardous substances, or hazardous wastes; or

216 (B) Reduction at the source in the quantity and toxicity of such substances.

217 (11) 'Release' means any intentional or unintentional act or omission resulting in the
218 spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping,
219 leaching, dumping, or disposing into the environment, including without limitation the
220 abandonment or discarding of barrels, containers, and other closed receptacles, of any
221 hazardous waste, hazardous constituent, or hazardous substance; provided, however, that
222 such term shall not include any release which results in exposure to persons solely within
223 a workplace, with respect to a claim which such persons may assert against the employer
224 of such persons; emissions from the engine exhaust of any motor vehicle, rolling stock,
225 aircraft, vessel, or pipeline pumping station; or the normal application of fertilizer.

226 (12) 'Site' means that portion of the owner's contiguous property and any other owner's
227 property affected by a release exceeding a reportable quantity.

228 (13) 'Small quantity generator' means a hazardous waste generator who generates greater
229 than 220 pounds but less than 2,200 pounds of hazardous waste in one month, as
230 provided by rules promulgated by the board in accordance with this article."

231 **SECTION 3.**

232 Chapter 41 of Title 31 of the Official Code of Georgia Annotated, relating to lead poisoning
233 prevention, is amended by revising Article 1, relating to general provisions, as follows:

234 "ARTICLE 1

235 31-41-1.

236 This chapter shall be known and may be cited as the 'Georgia Lead Poisoning Prevention
237 Act of 1994.'

238 31-41-2.

239 (a) The General Assembly finds that childhood lead poisoning is a devastating
240 environmental health hazard to the children of this state. Exposure to even low levels of

241 lead increases a child's risks of developing permanent reading and learning disabilities,
 242 intelligence quotient deficiencies, impaired hearing, reduced attention span, hyperactivity,
 243 behavior problems, and other neurological problems. It is estimated that thousands of
 244 children below the age of six are affected by lead poisoning in Georgia. Childhood lead
 245 poisoning is dangerous to the public health, safety, and general welfare.

246 (b) Childhood lead poisoning is the result of environmental exposure to lead. The most
 247 significant source of environmental lead is lead-based paint, particularly in housing built
 248 prior to 1978, which becomes accessible to children as paint chips, house dust, and soil
 249 contaminated by lead-based paint. The danger posed by lead-based paint hazards can be
 250 controlled by abatement, renovation, or interim controls of lead-based paint or by measures
 251 to limit exposure to lead-based paint hazards.

252 (c) It is crucial that the identification of lead hazards and subsequent implementation of
 253 interim control, renovation, or abatement procedures be accomplished in a manner that
 254 does not result in additional harm to the public or the environment. Improper lead
 255 abatement or renovation constitutes a serious threat to persons residing in or otherwise
 256 using an affected structure or site, to those performing such work, to the environment, and
 257 to the general public.

258 (d) The General Assembly finds that it is in the public interest to establish minimum
 259 standards for the training and certification or licensure of all persons performing lead
 260 hazard reduction activities, ~~including~~ and for inspections, risk assessments, and planning
 261 and performance of interim controls, renovation, or abatement measures for such activities.

262 31-41-3.

263 As used in this chapter, the term:

264 (1) 'Abatement' means any set of measures designed to eliminate lead-based paint
 265 hazards, in accordance with standards developed by the board, including:

266 (A) Removal of lead-based paint and lead contaminated dust, the permanent
 267 containment or encapsulation of lead-based paint, the replacement of lead-painted
 268 surfaces or fixtures, and the removal or covering of lead contaminated soil; and

269 (B) All preparation, cleanup, disposal, and postabatement clearance testing activities
 270 associated with such measures.

271 (2) 'Accessible surface' means an interior or exterior surface painted with lead-based
 272 paint that is accessible for a young child to mouth or chew.

273 (2.1) 'Board' means the Board of Natural Resources of the State of Georgia.

274 (2.2) 'Child-occupied facility' means a building or portion of a building constructed prior
 275 to 1978, visited by the same child, six years of age or under, on at least two different days
 276 within the same week (Sunday through Saturday period), provided that each day's visit

- 277 lasts at least three hours and the combined weekly visit lasts at least six hours.
278 Child-occupied facilities include, but are not limited to, day-care centers, preschools, and
279 kindergarten facilities.
- 280 (3) 'Department' means the Department of Natural Resources.
- 281 (4) 'Friction surface' means an interior or exterior surface that is subject to abrasion or
282 friction, including certain window, floor, and stair surfaces.
- 283 (5) 'Impact surface' means an interior or exterior surface or fixture that is subject to
284 damage by repeated impacts, for example, certain parts of door frames.
- 285 (6) 'Inspection' means a surface by surface investigation to determine the presence of
286 lead-based paint and the provision of a report explaining the results of the investigation.
- 287 (7) 'Interim controls' means a measure or set of measures as specified by the board taken
288 by the owner of a structure that are designed to control temporarily human exposure or
289 likely exposure to lead-based paint hazards.
- 290 (8) 'Lead-based paint' means paint or other surface coatings that contain lead in excess
291 of limits established by board regulation.
- 292 (9) 'Lead-based paint activities' means the inspection and assessment of lead hazards and
293 the planning, implementation, and inspection of interim controls, renovation, and
294 abatement activities ~~as determined by the department~~ at target housing and
295 child-occupied facilities.
- 296 (10) 'Lead-based paint hazard' means any condition that causes exposure to lead from
297 lead contaminated dust, lead contaminated soil, or lead contaminated paint that is
298 deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that
299 would result in adverse human health effects as established pursuant to Section 403 of the
300 Toxic Substances Control Act.
- 301 (11) 'Lead contaminated dust' means surface dust in residential dwellings or in other
302 facilities occupied or regularly used by children that contains an area or mass
303 concentration of lead in excess of levels determined pursuant to Section 403 of the Toxic
304 Substances Control Act.
- 305 (12) 'Lead contaminated soil' means bare soil on residential real property or on other sites
306 frequented by children that contains lead at or in excess of levels determined to be
307 hazardous to human health pursuant to Section 403 of the Toxic Substances Control Act.
- 308 (13) 'Lead contaminated waste' means any discarded material resulting from an
309 abatement activity that fails the toxicity characteristics determined by the department.
- 310 (13.1) 'Lead dust sampling technician' means an individual employed to perform lead
311 dust clearance sampling for renovation as determined by the department.

312 (14) 'Lead firm' means a company, partnership, corporation, sole proprietorship,
313 association, or other business entity that employs or contracts with persons to perform
314 lead-based paint activities.

315 (15) 'Lead inspector' means a person who conducts inspections to determine the presence
316 of lead-based paint or lead-based paint hazards.

317 (16) 'Lead project designer' means a person who plans or designs abatement activities
318 and interim controls.

319 (17) 'Lead risk assessor' means a person who conducts on-site risk assessments of lead
320 hazards.

321 (18) 'Lead supervisor' means a person who supervises and conducts abatement of
322 lead-based paint hazards.

323 (19) 'Lead worker' means any person performing lead hazard reduction activities.

324 (19.1) 'Minor repair and maintenance activities' means activities that disrupt six square
325 feet or less of painted surface per room for interior activities or 20 square feet or less of
326 painted surface for exterior activities where none of the work practices prohibited or
327 restricted as determined by the department are used or where the work does not involve
328 window replacement or demolition of painted surface areas. Jobs performed in the same
329 room within 30 days are considered the same job for purposes of this definition.

330 (19.2) 'Renovation' means the modification of any target housing or child-occupied
331 facility structure or portion thereof, that results in the disturbance of painted surfaces
332 unless that activity is performed as part of an abatement activity. Renovation includes
333 but is not limited to the removal, modification, re-coating, or repair of painted surfaces
334 or painted components; the removal of building components; weatherization projects; and
335 interim controls that disturb painted surfaces. A renovation performed for the purpose
336 of converting a building, or part of a building into target housing or a child-occupied
337 facility is a renovation. Such term shall not include minor repair and maintenance
338 activities.

339 (19.3) 'Renovation firm' means a company, partnership, corporation, sole proprietorship
340 or individual doing business, association, or other business entity that employs or
341 contracts with persons to perform lead-based paint renovations as determined by the
342 Department.

343 (19.4) 'Renovator' means an individual who either performs or directs workers who
344 perform renovations.

345 (20) 'Risk assessment' means an on-site investigation to determine and report the
346 existence, nature, severity, and location of lead-based paint hazards in or on any structure
347 or site, including:

- 348 (A) Information gathering regarding the age and history of the structure and the
 349 occupancy or other use by young children;
- 350 (B) Visual inspection;
- 351 (C) Limited wipe sampling or other environmental sampling techniques;
- 352 (D) Other activity as may be appropriate; and
- 353 (E) Provision of a report explaining the results of the investigation.
- 354 (21) 'Target housing' means any housing constructed prior to 1978, except housing for
 355 the elderly or persons with disabilities (unless any child or children age six years or under
 356 resides or is expected to reside in such housing for the elderly or persons with disabilities)
 357 or any zero-bedroom dwelling.

358 31-41-4.

359 (a) There is established the Georgia Lead-Based Paint Hazard Reduction Program. The
 360 Department of Natural Resources is designated as the state agency responsible for
 361 implementation, administration, and enforcement of such program. The commissioner may
 362 delegate such duties to the Environmental Protection Division.

363 (b) The Board of Natural Resources not later than one year after the effective date of
 364 regulations promulgated by the federal Environmental Protection Agency relating to lead
 365 paint abatement and renovation certification programs shall issue regulations requiring the
 366 development and approval of training programs for the licensing or certification of persons
 367 performing lead-based paint hazard detection or lead-based paint activities, which may
 368 include, but shall not be limited to, lead inspectors, lead risk assessors, lead project
 369 designers, lead firms, lead supervisors, ~~and lead workers of such persons,~~ lead dust
 370 sampling technicians, and renovators. The regulations for the approval of training
 371 programs shall include minimum requirements for approval of training providers,
 372 curriculum requirements, training hour requirements, hands-on training requirements,
 373 examinations of competency and proficiency, and training program quality control. The
 374 approval program shall provide for reciprocal approval of training programs with
 375 comparable requirements approved by other states or the United States. The approval
 376 program may be designed to meet the minimum requirements for federal approval under
 377 Section 404 of the federal Toxic Substances Control Act and the department may apply for
 378 such approval. The department shall establish fees for approval of such training programs.

379 (c)(1) The Board of Natural Resources not later than one year after the effective date of
 380 regulations promulgated by the federal Environmental Protection Agency relating to lead
 381 paint abatement and renovation certification programs shall establish training and
 382 licensure requirements for lead inspectors, lead risk assessors, lead project designers, lead
 383 firms, lead supervisors, ~~and lead workers,~~ renovators, renovation firms, and lead dust

384 sampling technicians. No person shall be licensed under this chapter unless such person
 385 has successfully completed the appropriate training program, passed an examination
 386 approved by the department for the appropriate category of license, and completed any
 387 additional requirements imposed by the board by regulation. The department is
 388 authorized to accept any lead-based paint hazard training completed after January 1,
 389 1990, in full or partial satisfaction of the training requirements. The board may establish
 390 requirements for periodic refresher training for all licensees as a condition of license
 391 renewal. The board shall establish examination fees, license fees, and renewal fees for all
 392 licenses issued under this chapter, provided that such fees shall reflect the cost of issuing
 393 and renewing such licenses, regulating licensed activities, and administering the program.

394 (2) On and after the effective date of regulations promulgated by the board as provided
 395 in subsection (b) of this Code section, no person shall perform or represent that such
 396 person is qualified to perform any lead-based paint activities unless such person possesses
 397 the appropriate licensure or certification as determined by the board or unless such person
 398 is:

399 (A) An owner performing abatement or renovation upon that person's own residential
 400 property, unless the residential property is occupied by a person or persons other than
 401 the owner or the owner's immediate family while these activities are being performed,
 402 or a child residing in the building has been identified as having an elevated blood lead
 403 level;

404 (B) An employee of a property management company doing ~~routine cleaning and~~
 405 ~~repainting~~ minor repairs and maintenance activities upon property managed by that
 406 company where there is insignificant damage, wear, or corrosion of existing
 407 lead-containing paint or coating substances; or

408 (C) An owner routinely ~~cleaning or repainting~~ doing minor repairs and maintenance
 409 activities upon his or her property where there is insignificant damage to, wear of, or
 410 corrosion of existing lead-containing paint or coating substances.

411 (3) A person who is employed by a state or county health department or state or federal
 412 agency to conduct lead investigations to determine the sources of lead poisonings, as
 413 determined by the department, shall be subject to licensing pursuant to paragraph (2) of
 414 this subsection as a lead risk assessor but shall not be required to pay any fees as
 415 otherwise required under this chapter or under rules and regulations promulgated by the
 416 board under this chapter.

417 (d) The board shall promulgate regulations establishing standards of acceptable
 418 professional conduct and work practices for the performance of lead-based paint activities,
 419 as well as specific acts and omissions that constitute grounds for the reprimand of any

420 licensee, the suspension, modification, or revocation of a license, or the denial of issuance
421 or renewal of a license.

422 (e) Written information on the renovation must be provided by the renovation firm or
423 renovator to residents before beginning any renovation activities (except that the written
424 information may be provided after the renovation begins for emergency renovations), in
425 accordance with regulations promulgated by the board.

426 (f) The lead firm, renovation firm, and renovator must meet record-keeping and reporting
427 requirements established by regulations promulgated by the board.

428 31-41-5.

429 The Board of Natural Resources shall be authorized to promulgate all necessary regulations
430 for the implementation and enforcement of this chapter. In addition to any action which
431 may be taken to reprimand a licensee or to revoke or suspend a license, any person who
432 violates any provision of this chapter or any regulation promulgated pursuant to this
433 chapter or any term or condition of licensure may be subject to a civil penalty of not more
434 than \$10,000.00, to be imposed by the department. If any violation is a continuing one,
435 each day of such violation shall constitute a separate violation for the purpose of computing
436 the applicable civil penalty."

437 **SECTION 4.**

438 This Act shall become effective upon its approval by the Governor or upon its becoming law
439 without such approval.

440 **SECTION 5.**

441 All laws and parts of laws in conflict with this Act are repealed.