

HOUSE SUBSTITUTE TO SENATE BILL 78

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

13 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

14 **SECTION 1.**

15 Article 3 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to
16 hazardous waste, is amended in Part 3, relating to the Georgia Voluntary Remediation
17 Program for hazardous waste, by revising subsection (a) of Code Section 12-8-104, relating
18 to powers and duties of the director, as follows:

19 "(a) The director shall have the power and duty:

20 (1) To make determinations, in accordance with procedures and criteria enumerated in
21 this part, as to whether a property qualifies and an applicant is eligible for the voluntary
22 remediation program;

23 (2) To approve, in accordance with procedures and criteria enumerated in this part and
24 rules and regulations promulgated pursuant to this part, voluntary remediation plans;

25 (3) To approve, in accordance with procedures and criteria enumerated in this part and
26 rules and regulations promulgated pursuant to this part, compliance status reports;

27 (4) To concur with certifications of compliance;

28 (5) To collect ~~application fees from participants~~ assess, receive, administer, and disperse
 29 funds obtained from application and reimbursement fees for the purpose of carrying out
 30 the duties and powers under this part;

31 (6) To enter into such agreements and contracts as required to accomplish the purposes
 32 of this part; and

33 ~~(6)(7)~~ To grant waivers of all or any portion of the fees provided by this part for any
 34 small business or for any county, municipality, or other political subdivision of this state."

35 SECTION 2.

36 Said part is further amended by adding a new Code section to read as follows:

37 "12-8-104.1.

38 (a) There is established the Voluntary Remediation Escrow Account. The director shall
 39 serve as the trustee of the escrow account. The account shall consist of the application fees
 40 and reimbursement fees collected by the director pursuant to this part and pursuant to Code
 41 Section 12-8-209, and such fees shall be held in an interest bearing account.

42 (b) The director is authorized to expend the principal balance of the escrow account for
 43 costs incurred in administering the voluntary remediation program including reimbursing
 44 state contractors used in the administration of such program. The director is also
 45 authorized to expend interest earned on the account for the administration of the voluntary
 46 remediation program; provided, however, that interest funds collected must be expended
 47 within the same fiscal year in which the interest was earned and any interest not so
 48 expended shall be deposited in the state treasury. Any unused funds remaining following
 49 the conclusion of a project shall be deposited in the general treasury."

50 SECTION 3.

51 Said part is further amended by replacing "remediation plan" with "investigation and
 52 remediation plan" wherever such term occurs in:

53 (1) Code Section 12-8-107, relating to the submission of voluntary remediation plans,
 54 enrollment, proof of assurance, termination, and compliance status reports; and

55 (2) Code Section 12-8-108, relating to standards and policies considered in investigation of
 56 voluntary remediation property.

57 SECTION 4.

58 Said article is further amended in Part 1, relating to hazardous waste management, by
 59 revising Code Section 12-8-62, relating to definitions, as follows:

60 "12-8-62.

61 As used in this part, the term:

- 62 (1) 'Board' means the Board of Natural Resources of the State of Georgia.
- 63 (2) 'Designated hazardous waste' means any solid waste identified as such in regulations
64 promulgated by the board. The board may identify as 'designated hazardous waste' any
65 solid waste which the board concludes is capable of posing a substantial present or
66 potential hazard to human health or the environment when improperly treated, stored,
67 transported, or disposed of or otherwise managed, based on the factors set forth in
68 regulations promulgated by the administrator of the United States Environmental
69 Protection Agency pursuant to the federal act which are codified as 40 C.F.R. Section
70 261.11(a)(3), in force and effect on February 1, ~~1996~~ 2010, if such solid waste contains
71 any substance which is listed on any one or more of the following lists:
- 72 (A) List of Hazardous Constituents, codified as 40 C.F.R. Part 261, Appendix VIII, in
73 force and effect on February 1, ~~1996~~ 2010;
- 74 (B) Ground-water Monitoring List, codified as 40 C.F.R. Part 264, Appendix IX, in
75 force and effect on February 1, ~~1996~~ 2010;
- 76 (C) List of Hazardous Substances and Reportable Quantities, codified as 40 C.F.R.
77 Table 302.4, and all appendices thereto, in force and effect on February 1, ~~1996~~ 2010;
- 78 (D) List of Regulated Pesticides, codified as 40 C.F.R. Part 180, in force and effect on
79 February 1, ~~1996~~ 2010;
- 80 (E) List of Extremely Hazardous Substances and Their Threshold Planning Quantities,
81 codified as 40 C.F.R. Part 355, Appendix A, in force and effect on February 1, ~~1996~~
82 2010; or
- 83 (F) List of Chemicals and Chemical Categories, codified as 40 C.F.R. Part 372.65 in
84 force and effect on February 1, ~~1996~~ 2010.
- 85 (3) 'Director' means the director of the Environmental Protection Division of the
86 Department of Natural Resources.
- 87 (4) 'Disposal' means the discharge, deposit, injection, dumping, spilling, leaking, or
88 placing of any solid waste or hazardous waste into or on any land or water so that such
89 solid waste or hazardous waste or any constituent thereof may enter the environment or
90 be emitted into the air or discharged into any waters, including ground waters.
- 91 (5) 'Division' means the Environmental Protection Division of the Department of Natural
92 Resources.
- 93 (6) 'Federal act' means the federal Solid Waste Disposal Act, as amended, particularly
94 by the Resource Conservation and Recovery Act of 1976 (Public Law 94-580, 42 U.S.C.
95 Section 6901, et seq.), as amended, particularly by but not limited to the Used Oil
96 Recycling Act of 1980 (Public Law 96-463), the Solid Waste Disposal Act Amendments
97 of 1980 (Public Law 96-482), the Comprehensive Environmental Response,
98 Compensation, and Liability Act of 1980 (Public Law 96-510), the Hazardous and Solid

99 Waste Amendments of 1984 (Public Law 98-616), and the Superfund Amendments and
100 Reauthorization Act of 1986 (Public Law 99-499), as amended.

101 (7) 'Final disposition' means the location, time, and method by which hazardous waste
102 loses its identity or enters the environment, including, but not limited to, disposal,
103 disposal site closure and post closure, resource recovery, and treatment.

104 (8) 'Guarantor' means any person, other than the owner or operator, who provides
105 evidence of financial responsibility for an owner or operator pursuant to this article.

106 (9) 'Hazardous constituent' means any substance listed as a hazardous constituent in
107 regulations promulgated by the administrator of the United States Environmental
108 Protection Agency pursuant to the federal act which are in force and effect on February
109 1, ~~1996~~ 2010, codified as Appendix VIII to 40 C.F.R. Part 261—Identification and
110 Listing of Hazardous Waste.

111 (10) 'Hazardous waste' means any solid waste which has been defined as a hazardous
112 waste in regulations promulgated by the administrator of the United States Environmental
113 Protection Agency pursuant to the federal act which are in force and effect on ~~January 1,~~
114 ~~2006~~ February 1, 2010, codified as 40 C.F.R. Section 261.3 and any designated
115 hazardous waste.

116 (11) 'Hazardous waste facility' means any property or facility that is intended or used for
117 storage, treatment, or disposal of hazardous waste.

118 (12) 'Hazardous waste generation' means the act or process of producing hazardous
119 waste.

120 (13) 'Hazardous waste management' means the systematic recognition and control of
121 hazardous wastes from generation to final disposition or disposal, including, but not
122 limited to, identification, containerization, labeling, storage, collection, source separation,
123 transfer, transportation, processing, treatment, facility closure, post closure, perpetual
124 care, resource recovery, and disposal.

125 (14) 'Land disposal' means any placement of hazardous waste in a landfill, surface
126 impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt
127 bed formation, or underground mine or cave.

128 (15) 'Large quantity generator' means a hazardous waste generator who generates 2.2
129 pounds or more of acute hazardous waste or 2,200 pounds or more of hazardous waste
130 in one month, as defined in the Rules for Hazardous Waste Management, Chapter
131 391-3-11, of the Board of Natural Resources.

132 (16) 'Manifest' means a form or document used for identifying the quantity and
133 composition, and the origin, routing and destination, of hazardous waste during its
134 transportation from the point of generation, through any intermediate points, to the point
135 of disposal, treatment, or storage.

136 (17) 'Organization' means a legal entity, other than a government agency or authority,
137 established or organized for any purpose, and such term includes a corporation, company,
138 association, firm, partnership, joint stock company, foundation, institution, trust, society,
139 union, or any other association of persons.

140 (18) 'Person' means an individual, trust, firm, joint stock company, corporation
141 (including a government corporation), partnership, association, municipality,
142 commission, or political subdivision, or any agency, board, department, or bureau of this
143 state or of any other state or of the federal government.

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

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

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

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

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

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

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

- 173 (B) Transfer of an environmental waste from one environmental medium to another
 174 environmental medium (otherwise known as waste shifting);
 175 (C) Conversion of a potential waste into another form for use in a production process
 176 or operation without serving any substantial productive function;
 177 (D) Off-site waste recycling; or
 178 (E) Any other method of end-of-pipe management of environmental wastes."

179 **SECTION 5.**

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

182 "12-8-92.

183 Unless otherwise defined in this part, the definition of all terms included in Code Section
 184 12-8-62 shall be applicable to this part. As used in this part, the term:

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

187 (2) 'Environment' means:

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

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

194 (3) 'Facility' means:

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

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

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

203 (4) 'Hazardous substance' means any substance listed on the List of Hazardous
 204 Substances and Reportable Quantities, codified as 40 C.F.R., Part 302, Table 302.4, in
 205 force and effect on February 1, ~~1996~~ 2010, or any substance listed on the List of
 206 Extremely Hazardous Substances and Their Threshold Planning Quantities, codified as
 207 40 C.F.R., Part 355, Appendix A, in force and effect on ~~January 1, 2006~~ February 1,
 208 2010.

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

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

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

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

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

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

223 Such term does not include a person who holds indicia of ownership primarily to protect
224 said person's security interest in the facility or who acts in good faith solely in a fiduciary
225 capacity and who did not actively participate in the management, disposal, or release of
226 hazardous wastes, hazardous constituents, or hazardous substances from the facility.

227 Such term does not include a unit of state or local government which acquired ownership
228 or control involuntarily through bankruptcy, tax delinquency, abandonment, or other
229 circumstances in which the government involuntarily acquires title by virtue of its
230 function as sovereign; provided, however, that this exclusion shall not apply to any state
231 or local government which has caused or contributed to the release of a hazardous waste,
232 hazardous constituent, or hazardous substance from the facility.

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

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

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

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

242 (C) Any person who by contract, agreement, or otherwise arranged for disposal or
243 treatment of or arranged with a transporter for transport for disposal or treatment of
244 hazardous wastes, hazardous constituents, or hazardous substances owned or possessed
245 by such person or by any other party or entity at any facility owned or operated by

246 another party or entity and containing such hazardous wastes, hazardous constituents,
 247 or hazardous substances. A person who arranged for the recycling of recovered
 248 materials consisting solely of scrap paper, scrap plastic, scrap glass, scrap textiles, scrap
 249 rubber other than whole tires, scrap metal or spent lead-acid, nickel-acid,
 250 nickel-cadmium, and other batteries, and not consisting of any residue from a pollution
 251 control device, shall not be deemed to have arranged for treatment or disposal under
 252 this subparagraph; and

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

257 (10) 'Pollution prevention' means:

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

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

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

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

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

275 **SECTION 6.**

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

278 "ARTICLE 1

279 31-41-1.

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

282 31-41-2.

283 (a) The General Assembly finds that childhood lead poisoning is a devastating
284 environmental health hazard to the children of this state. Exposure to even low levels of
285 lead increases a child's risks of developing permanent reading and learning disabilities,
286 intelligence quotient deficiencies, impaired hearing, reduced attention span, hyperactivity,
287 behavior problems, and other neurological problems. It is estimated that thousands of
288 children below the age of six are affected by lead poisoning in Georgia. Childhood lead
289 poisoning is dangerous to the public health, safety, and general welfare.

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

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

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

306 31-41-3.

307 As used in this chapter, the term:

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

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

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

- 315 (2) 'Accessible surface' means an interior or exterior surface painted with lead-based
316 paint that is accessible for a young child to mouth or chew.
- 317 (2.1) 'Board' means the Board of Natural Resources of the State of Georgia.
- 318 (2.2) 'Child-occupied facility' means a building or portion of a building constructed prior
319 to 1978, visited by the same child, six years of age or under, on at least two different days
320 within the same week (Sunday through Saturday period), provided that each day's visit
321 lasts at least three hours and the combined weekly visit lasts at least six hours.
322 Child-occupied facilities include, but are not limited to, day-care centers, preschools, and
323 kindergarten facilities.
- 324 (3) 'Department' means the Department of Natural Resources.
- 325 (4) 'Friction surface' means an interior or exterior surface that is subject to abrasion or
326 friction, including certain window, floor, and stair surfaces.
- 327 (5) 'Impact surface' means an interior or exterior surface or fixture that is subject to
328 damage by repeated impacts, for example, certain parts of door frames.
- 329 (6) 'Inspection' means a surface by surface investigation to determine the presence of
330 lead-based paint and the provision of a report explaining the results of the investigation.
- 331 (7) 'Interim controls' means a measure or set of measures as specified by the board taken
332 by the owner of a structure that are designed to control temporarily human exposure or
333 likely exposure to lead-based paint hazards.
- 334 (8) 'Lead-based paint' means paint or other surface coatings that contain lead in excess
335 of limits established by board regulation.
- 336 (9) 'Lead-based paint activities' means the inspection and assessment of lead hazards and
337 the planning, implementation, and inspection of interim controls, renovation, and
338 abatement activities ~~as determined by the department~~ at target housing and
339 child-occupied facilities.
- 340 (10) 'Lead-based paint hazard' means any condition that causes exposure to lead from
341 lead contaminated dust, lead contaminated soil, or lead contaminated paint that is
342 deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that
343 would result in adverse human health effects as established pursuant to Section 403 of the
344 Toxic Substances Control Act.
- 345 (11) 'Lead contaminated dust' means surface dust in residential dwellings or in other
346 facilities occupied or regularly used by children that contains an area or mass
347 concentration of lead in excess of levels determined pursuant to Section 403 of the Toxic
348 Substances Control Act.
- 349 (12) 'Lead contaminated soil' means bare soil on residential real property or on other sites
350 frequented by children that contains lead at or in excess of levels determined to be
351 hazardous to human health pursuant to Section 403 of the Toxic Substances Control Act.

- 352 (13) 'Lead contaminated waste' means any discarded material resulting from an
353 abatement activity that fails the toxicity characteristics determined by the department.
- 354 (13.1) 'Lead dust sampling technician' means an individual employed to perform lead
355 dust clearance sampling for renovation as determined by the department.
- 356 (14) 'Lead firm' means a company, partnership, corporation, sole proprietorship,
357 association, or other business entity that employs or contracts with persons to perform
358 lead-based paint activities.
- 359 (15) 'Lead inspector' means a person who conducts inspections to determine the presence
360 of lead-based paint or lead-based paint hazards.
- 361 (16) 'Lead project designer' means a person who plans or designs abatement activities
362 and interim controls.
- 363 (17) 'Lead risk assessor' means a person who conducts on-site risk assessments of lead
364 hazards.
- 365 (18) 'Lead supervisor' means a person who supervises and conducts abatement of
366 lead-based paint hazards.
- 367 (19) 'Lead worker' means any person performing lead hazard reduction activities.
- 368 (19.1) 'Minor repair and maintenance activities' means activities that disrupt six square
369 feet or less of painted surface per room for interior activities or 20 square feet or less of
370 painted surface for exterior activities where none of the work practices prohibited or
371 restricted as determined by the department are used or where the work does not involve
372 window replacement or demolition of painted surface areas. Jobs performed in the same
373 room within 30 days are considered the same job for purposes of this definition.
- 374 (19.2) 'Renovation' means the modification of any target housing or child-occupied
375 facility structure or portion thereof, that results in the disturbance of painted surfaces
376 unless that activity is performed as part of an abatement activity. Renovation includes
377 but is not limited to the removal, modification, re-coating, or repair of painted surfaces
378 or painted components; the removal of building components; weatherization projects; and
379 interim controls that disturb painted surfaces. A renovation performed for the purpose
380 of converting a building, or part of a building into target housing or a child-occupied
381 facility is a renovation. Such term shall not include minor repair and maintenance
382 activities.
- 383 (19.3) 'Renovation firm' means a company, partnership, corporation, sole proprietorship
384 or individual doing business, association, or other business entity that employs or
385 contracts with persons to perform lead-based paint renovations as determined by the
386 department.
- 387 (19.4) 'Renovator' means an individual who either performs or directs workers who
388 perform renovations.

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

392 (A) Information gathering regarding the age and history of the structure and the
 393 occupancy or other use by young children;

394 (B) Visual inspection;

395 (C) Limited wipe sampling or other environmental sampling techniques;

396 (D) Other activity as may be appropriate; and

397 (E) Provision of a report explaining the results of the investigation.

398 (21) 'Target housing' means any housing constructed prior to 1978, except housing for
 399 the elderly or persons with disabilities (unless any child or children age six years or under
 400 resides or is expected to reside in such housing for the elderly or persons with disabilities)
 401 or any zero-bedroom dwelling.

402 31-41-4.

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

407 (b) The Board of Natural Resources not later than one year after the effective date of
 408 regulations promulgated by the federal Environmental Protection Agency relating to lead
 409 paint abatement and renovation certification programs shall issue regulations requiring the
 410 development and approval of training programs for the licensing or certification of persons
 411 performing lead-based paint hazard detection or lead-based paint activities, which may
 412 include, but shall not be limited to, lead inspectors, lead risk assessors, lead project
 413 designers, lead firms, lead supervisors, ~~and lead workers of such persons,~~ lead dust
 414 sampling technicians, and renovators. The regulations for the approval of training
 415 programs shall include minimum requirements for approval of training providers,
 416 curriculum requirements, training hour requirements, hands-on training requirements,
 417 examinations of competency and proficiency, and training program quality control. The
 418 approval program shall provide for reciprocal approval of training programs with
 419 comparable requirements approved by other states or the United States. The approval
 420 program may be designed to meet the minimum requirements for federal approval under
 421 Section 404 of the federal Toxic Substances Control Act and the department may apply for
 422 such approval. The department shall establish fees for approval of such training programs.

423 (c)(1) The Board of Natural Resources not later than one year after the effective date of
 424 regulations promulgated by the federal Environmental Protection Agency relating to lead

425 paint abatement and renovation certification programs shall establish training and
 426 licensure requirements for lead inspectors, lead risk assessors, lead project designers, lead
 427 firms, lead supervisors, ~~and lead workers,~~ renovators, renovation firms, and lead dust
 428 sampling technicians. No person shall be licensed under this chapter unless such person
 429 has successfully completed the appropriate training program, passed an examination
 430 approved by the department for the appropriate category of license, and completed any
 431 additional requirements imposed by the board by regulation. The department is
 432 authorized to accept any lead-based paint hazard training completed after January 1,
 433 1990, in full or partial satisfaction of the training requirements. The board may establish
 434 requirements for periodic refresher training for all licensees as a condition of license
 435 renewal. The board shall establish examination fees, license fees, and renewal fees for all
 436 licenses issued under this chapter, provided that such fees shall reflect the cost of issuing
 437 and renewing such licenses, regulating licensed activities, and administering the program.

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

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

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

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

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

461 (d) The board shall promulgate regulations establishing standards of acceptable
 462 professional conduct and work practices for the performance of lead-based paint activities,
 463 as well as specific acts and omissions that constitute grounds for the reprimand of any
 464 licensee, the suspension, modification, or revocation of a license, or the denial of issuance
 465 or renewal of a license.

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

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

472 31-41-5.

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

481 **SECTION 7.**

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

484 **SECTION 8.**

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