

# Promethean Remodeling, LLC

## RRP RULE COMPLIANCE PLAN

### I. Introductory Statement.

This Compliance Plan (“the Plan”) is being implemented in order to promote compliance by Promethean Remodeling, LLC (“Promethean”), with the requirements for Residential Property Renovation, codified at Title 40 of the Code of Federal Regulations, Part 745, Subpart E, commonly known as the Renovation, Repair, and Painting (RRP) Rule. The Plan is designed to help ensure that covered companies and their employees, engaged in renovation activities involving residential “target housing” properties<sup>1</sup> and “child-occupied facilities,”<sup>2</sup> have the necessary guidance and/or training to conduct renovation activities in compliance with the RRP Rule. Because Promethean may engage in renovation activities involving residential “target housing” properties and “child-occupied facilities” from time to time, Promethean is hereby adopting this Plan.

**IN THE EVENT OF ANY DISCREPANCY BETWEEN THE REQUIREMENTS IN THIS DOCUMENT AND THE RRP RULE, THE RRP RULE PREVAILS.**

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<sup>1</sup> “Target Housing” means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless a child who is less than 6 years of age resides or is expected to reside in such housing) or any 0-bedroom dwelling. Section 401 of TSCA, 15 U.S.C. Section 2681(17); see also, 40 C.F.R. § 745.223.

<sup>2</sup> “Child-Occupied Facility” means a building, or portion of a building, constructed prior to 1978, visited regularly by the same child, under 6 years of age, on at least two different days within any week (Sunday through Saturday period), provided that each day’s visit lasts at least 3 hours and the combined weekly visits last at least 6 hours, and the combined annual visits last at least 60 hours. Child-occupied facilities may be located in target housing or in public or commercial buildings. 40 C.F.R. § 745.83.

## **II. Objective.**

The objective of the Plan is to ensure Promethean's compliance with the RRP Rule where applicable. This Plan does not address compliance with EPA's other lead-based paint laws or regulations or those of other federal, state, or local agencies.

## **III. Applicability.**

This Plan covers all Promethean employees and Promethean-engaged contractors and subcontractors working on projects involving the "renovation," as that term is defined at *40 C.F.R. § 745.83*, of property originally constructed prior to 1978. Note, that in addition to pre-1978 residential structures and child-occupied facilities, the conversion of any class of property (e.g., Commercial, Industrial, etc.) constructed prior to 1978 to residential use makes such property subject to the requirements of *40 C.F.R. Part 745* and this Plan.

## **IV. Procedures.**

This document, adopted by Promethean, sets forth procedures that will address the following broad categories of compliance that apply to the Rule cited above: A) Obtaining, maintaining and renewing the EPA RRP-Firm Certification(s); B) Obtaining, Maintaining and renewing RRP Certifications of Individual Renovators, which are issued by EPA-accredited training providers; C) On-the-job training of uncertified Promethean employees who perform RRP work; D) Pre-renovation education of owners and occupants; E) Compliance with lead-safe work practice standards for renovation projects; F) Compliance with post-renovation cleaning verification; G) Creation and retention of records of compliance; and H) Management of general contractor/subcontractor roles for RRP Rule projects.

**A. Firm Certification.**

RRP Rule – Promethean, will obtain RRP Firm Certification pursuant to the RRP Rule prior to conducting renovations on any pre -1978 housing. A copy of Promethean’s RRP Firm Certification will be provided to EPA Region 2, upon issuance. Prior to Promethean’s license expiring it will take the necessary steps to renew its firm’s license.

**B. Individual certification(s).**

Promethean’s individual Renovators’ certifications shall be kept in an electronic file database that is monitored by Promethean. As expiration dates near, Renovators shall be scheduled for a “Refresher” class at an EPA-accredited training provider. Once training is completed, certifications for individual renovators are issued by the training provider as a course completion certificate upon completion of the course.

**C. Training of Respondent employees.**

**RRP Rule** - Whenever Promethean undertakes a project that is subject to the RRP Rule, it will ensure that an RRP Certified Renovator(s) (appropriately trained individual(s) in possession of a current Renovator certificate issued by an EPA-accredited training provider (school)) is assigned to that project. The assigned Certified Renovator(s) may be an employee(s) of Promethean, or of a subcontractor(s) Promethean engages. This assigned Certified Renovator(s) will be responsible, in part, for compliance with the RRP Rules for that project, and in that role must perform, and document, a number of specific RRP Rule compliance-related functions.

1. **Assigned Certified Renovator(s)** - If Promethean chooses an employee(s) as the assigned Certified Renovator(s), that employee(s) must have valid and current Renovator certification from an EPA-accredited training provider before such employee(s) can serve the Certified Renovator function.
2. If Promethean is involved in multiple concurrent projects, Promethean will be required to ensure the availability of a sufficient number of Certified Renovators to maintain proper coverage and ensure compliance with the RRP Rule at all renovations.
3. If the only Certified Renovator on a specific project is the assigned Certified Renovator, then the Certified Renovator must train the other workers who are performing RRP work on the lead-safe work practices required by the RRP Rule. The Certified Renovator will create a record of this training, and Promethean will retain that record, as well as the other RRP records of compliance contained in the RRP Compliance Packet which is Attachment 2

**D. Pre-Renovation Education.**

Whether or not Promethean engages a contractor or subcontractor on a project, Promethean will ensure compliance with the Information Distribution (Renovate Right booklet) requirements of the RRP Rule.

**E. Work Practice Standards.**

Whether or not Promethean engages a contractor or subcontractor on a project, Promethean will ensure compliance with the work practice standards (both renovation and post-renovation cleaning verification) of the RRP Rule.

**F. Records Retention.**

1. Promethean will generate and maintain the following records of compliance with the RRP Rule for each renovation it conducts:
  - Documentation that one or more certified renovators was assigned to each project, including the name of each individual certified renovator assigned and a copy of his or her current certificate;
  - Documentation that a certified renovator provided on the job training and direction to workers who performed the renovation;
  - Documentation that a certified renovator performed the post-renovation cleaning verification;
  - Signed and dated acknowledgements of receipt of the Renovate Right pamphlet from both owners and/or occupants (i.e., pre-renovation education) or certificates of mailing providing proof of attempted distribution of the Renovate Right pamphlet.
  - Documentation of results of any testing performed by an inspector, risk assessor or certified renovator;
  - Documentation that when the final invoice for the renovation is delivered or within 30 days of the completion of the renovation, whichever is earlier, Promethean provided information pertaining to compliance with the RRP to the owner of the building and, if different, an adult occupant of the dwelling, or if the renovation took place in a child-occupied facility, an adult representative of the child-occupied facility.

- Documentation of compliance with any other provisions of the RRP Rule not specified above.

2. Promethean will maintain these records for each renovation for a minimum of 3 years after completion of the work. If the specified documents are maintained in hard copy, all such documents covering all projects with RRP Rule requirements, shall be maintained at Promethean's office located at 115 Water Street, Hackettstown, N. J. 07840, in a central file dedicated to RRP Rule documentation, with copies of the specified documents to be kept with the individual project files (including scope of work, contracts, proof of payment). If hard copy records are not maintained, the specified records shall be maintained electronically in a folder dedicated to RRP Rule documentation and in an easily accessible format, and copies of the specified RRP-compliance documents shall also be kept with the individual project files or folders. All electronic files containing the specified documents shall be backed up regularly and copies shall be maintained off-site, in the cloud or on some independent medium to prevent inadvertent loss or destruction of the data. Records shall be maintained in PDF format or another format to prevent modification of historical data.

3. Any and all records shall be submitted to EPA upon request.

**G. Managing general contractor/subcontractor roles for projects subject to the RRP Rule.**

1. Whenever Promethean engages any contractor or subcontractor on a project, Promethean will ensure RRP compliance (worker training, lead-safe work practices, record keeping, etc.), creation and retention of all records of compliance

(and provide copies to whichever firm contracted the work to Promethean), and information distribution (“Renovate Right” booklet (<https://www.epa.gov/lead/materials-and-downloads-renovators-renovation-repair-and-painting>), etc.) to the owner and/or tenants, as required/applicable.

2. Before Promethean engages any contractor or subcontractor on a project, Promethean will seek (and retain) documentation that any such firm is EPA-certified for RRP. Promethean shall also seek and retain documentation that any such subcontractor uses certified/trained workers at a renovation as required/applicable and that a specifically identified Certified Renovator has been assigned as the Certified Renovator to satisfy the assigned Certified Renovator responsibilities OR Promethean will perform all such tasks itself. Upon completion of the project, Promethean will ensure all requirements of the RRP Rule are met and Promethean will require the subcontractor to provide Promethean with a copy of all records of compliance that Promethean will then retain in its files for a minimum of 3 years after completion of the project.

**PROMETHEAN REMODELING, LLC.**

**LEAD PAINT REGULATIONS COMPLIANCE PLAN**

**COMPLIANCE PLAN AUTHORIZATION AND EFFECTIVE DATE (ATTESTED BY HIGHEST CORPORATE OFFICER)**

**JEFFREY TOYE, sole member**

\_\_\_\_\_  
Name and Title

**9/2/2020**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Officer

*Jeffrey Toye*

**9/2/2020**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Authorized Officer

**sole member LLC**

\_\_\_\_\_  
Title