

COMPLIANCE PLAN

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
LEAD SAFE HOUSING AND RENOVATION, REPAIR, AND PAINTING RULES

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I. INTRODUCTION

A. Purpose

The Newark Housing Authority (NHA) is submitting this document and all attachments hereto in order to facilitate compliance with Title 40 of the Code of Federal Regulations (C.F.R.), Part 745, Subpart E, hereafter referred to as the United States Environmental Protection Agency (EPA) Lead Renovation, Repair, and Painting (RRP) Rule and Title 24 of the Code of Federal Regulations Part 35, Subparts B, L and R, hereafter referred to as the HUD Lead Safe Housing Rule (LSHR).

The HUD Lead Safe Housing rule (LSHR) requires primary protection through inspection, risk assessment, hazard control, and ongoing maintenance. Compliance with the LSHR protects young children from lead-based paint hazards in housing that is financially assisted by the Federal government or sold by the government. The regulation establishes requirements that control lead-based paint hazards in the housing. It applies only to housing that was built before 1978. The LSHR includes required lead safe work practices and clearance testing for disturbance of painted surfaces above the HUD de minimis amounts.

The EPA Renovation Repair and Painting Rule (RRP) requires lead-safe work practices performed by RRP certified individuals employed by RRP certified firms when renovations that disturb known or presumed lead-based paint in housing built before 1978. The LSHR and RRP complement each other, and the more protective requirement of each regulation would apply to a housing authority conducting maintenance or rehabilitation in a federally assisted pre-1978 property.

HUD and EPA expect NHA to comply with the more stringent requirements of the differing HUD LSHR versus EPA RRP lead-based paint (LBP) regulations. The more stringent requirements include but are not limited to:

- Must use the HUD de minimus threshold of 2 square feet per room or 10% of a small component type
- EPA-recognized test kits can't be used to prove no lead-based paint, only a LBP inspector or risk assessor may determine whether LBP is present
- All workers and supervisors must complete HUD-approved curriculum in lead safe work practices. Workers must successfully complete either a one-day EPA accredited RRP course, or another lead-safe work practices course approved by HUD for this purpose after consultation with the EPA. HUD has approved the one-day RRP course and the previously-published HUD/EPA one-day Renovation, Remodeling and Repair course.
- HUD prohibits 6 work practices: heat guns that char paint, heat guns above 1100 degrees F, dry scraping or sanding farther than 1 foot around electrical outlets, use of a volatile stripper in poorly ventilated space, open flame burning or torching, and machine removal without HEPA vacuum attachment.

- HUD requires a clearance examination done by an independent party instead of the certified renovator's cleaning verification procedure.

HUD requires NHA to distribute notices to occupants within 15 days after a lead hazard evaluation and control activities in their unit or common area.

B. Applicability

This Plan applies to the NHA and their direct employees and any/all contractors and subcontractors that work on Renovation projects within NHA's owned and managed pre-1978 target housing portfolio. Currently, the NHA housing portfolio of residential structures that were constructed prior to 1978 consists of the following locations:

Development Name	YEAR BUILT
Pennington Court, 2-2	1939
Hyatt Court, 2-7	1941
Bradley Court, 2-14	1940
Stephen Crane Elderly, 2-16	1967
Kretchmer Elderly, 2-17	1961
Stephen Crane Elderly, 2-22C	1967
Stephen Crane Elderly, 2-22D	1967
Kretchmer Elderly, 2-21A	1968
Seth Boyden Elderly, 2-21E	1969
Seth Boyden Elderly, 2-21F	1969
Baxter Elderly, 2-22B	1966

Note that in addition to the pre-1978 residential structures and child-occupied facilities, the conversion of any class of property (i.e., commercial, industrial, etc..) constructed prior to 1978 to residential use makes such property subject to the requirements of 40 C.F.R. Part 745, 24 C.F.R part 35 and this Plan.

The Compliance Plan is not a replacement for compliance with all applicable LBP requirements and there may be additional and different federal, state, and local regulations with which NHA must comply.

C. Covered Activities

This Plan applies to any activity that has the potential to disturb Lead-Based Paint (LBP) in Newark Housing Authority Target Housing, including but not limited to the following:

1. Renovations, including remodeling, repair, or routine maintenance work.
2. Electrical work disturbing LBP.
3. Plumbing disturbing LBP.
4. Window repair, painting, or replacement disturbing LBP.
5. Interim controls of paint containing lead.
6. Interior or exterior work in residential units and common areas with known or presumed LBP.

The determination of whether an activity is or is not subject to the LSHR and RRP Rule shall be made by the Director of Central Maintenance or his/her designee of the Newark Housing Authority (NHA). The NHA will ensure that all relevant maintenance staff be trained as Certified Renovator(s) in accordance with the requirements detailed in Section V, and therefore, each is qualified to make this determination.

D. Contractors and Subcontractors

Contractors, subcontractors, and the NHA when working on renovation within NHA housing are responsible for full compliance with the LSHR and RRP Rule. NHA has the responsibility to inform contractors of, and provide contractors with, all LBP testing information relevant to the work contracted. In the absence of known test results, all painted surfaces are presumed to be LBP. Proof of compliance shall be submitted to NHA as a pre-project submittal prior to the start of any Renovation project.

Where LBP may be disturbed by a renovation, proof of compliance shall include but not be limited to:

Current Firm Certification

Individual Certification(s)

Worker Training Records.

Proof that a Certified Renovator is assigned to each Renovation,

A written lead-safe work plan and all other records documenting compliance with the LSHR and RRP.

E. Limitations

This Plan applies to activities covered by the LSHR and RRP Rules. The LSHR and RRP Rules require certain work practices where lead-based paint is disturbed by renovation activities. These practices minimize the creation of dust and debris, prevent it from leaving the work area, and require cleaning of the work area to ensure occupant safety.

This Plan does not apply to activities related to the abatement of LBP or related hazards. Abatement of LBP is covered by 40 C.F.R. 745- Subpart L and [NJAC 5:17](#).

F. Supplies

NHA shall develop an inventory and ensure maintenance of supplies necessary to perform renovation and lead-safe work practices in accordance with 40 C.F.R. Section 745.85 and 24 C.F.R. 35.1330 are available to certified renovators and trained workers for them to perform renovation activity in each housing unit or common area. See the link below to EPA-HUD Lead Safety Instructor Manual (October 2011) which lists the recommended supplies on pages vi –viii.

https://www.epa.gov/sites/default/files/2014-11/documents/initial_renovator-instructor_oct2011.pdf

In order to ensure that there are no delays in implementing unanticipated or unscheduled repairs or interim controls, storerooms must have sufficient supplies that can be used by certified renovators and trained workers to fulfill the lead safe work practice requirements under the RRP and LSHR Rules.

II. EXEMPTIONS

This Plan applies to work performed in NHA housing unless, through one of the following approved evaluation methods, it has been determined that each component affected by the renovation is free of paint or other surface coatings that contain lead equal to or in excess of 1.0 mg/per square centimeter (mg/cm²) or 0.5% by weight:

1. Testing performed by a Certified Inspector/Risk Assessor using X-Ray Fluorescence (XRF).
2. Testing performed by a Certified Renovator or Inspector/Risk Assessor using Paint Chip Sampling.

Third-party Lead Inspectors and Risk Assessors under contract with the Newark Housing Authority must provide a written inspection report.

Minor repair and maintenance activities are also exempt. Such activities include but are not limited to minor heating, ventilation or air conditioning work, electrical work, and plumbing, that disturb two (2) square feet (SF) or less of painted surface per room for interior activities or twenty (20) SF or less of painted surface for exterior activities where the work does not involve window replacement or demolition of painted surface areas. . Any work other than emergency renovations, performed in the same room within the same thirty (30) calendar days must be considered the same job for the purpose of determining whether the job is a minor repair and maintenance activity.

III. DEFINITIONS

1. **Abatement** - any set of measures designed to permanently control or eliminate lead-based paint hazards in accordance with standards established by appropriate Federal, State, and Local agencies.
2. **Certified Firm** - a firm which has obtained certification as an EPA Lead-Safe Certified Firm in accordance with the RRP Rule.
3. **Certified Inspector** - an individual who has successfully completed a lead inspector training course accredited by EPA or an EPA-authorized State or Tribal Program, passed the EPA or State-Equivalent 3rd Party Examination, and has a current license to conduct lead-based paint inspections.
4. **Certified Renovator** - an individual who has completed a Renovator training course accredited by EPA or an EPA-authorized State or Tribal Program, in accordance with the RRP Rule.
5. **Certified Risk Assessor** - an individual who has successfully completed a lead risk assessor course accredited by EPA or an EPA-authorized State or Tribal Program, passed the EPA or State equivalent 3rd party examination, and has a current license to conduct lead risk assessments.
6. **Common Area** - means a portion of a building that is generally accessible to all occupants. Such an area may include, but is not limited to, hallways, stairways, laundry and recreational rooms, playgrounds, community centers, garages, and boundary fences.
7. **Deteriorated Paint** - means paint that is cracking, flaking, chipping, peeling, or otherwise separating from the substrate of a building component.
8. **De minimis levels**. Safe work practices are not required when maintenance or hazard reduction activities do not disturb painted surfaces that total more than:

- (1) 20 square feet (2 square meters) on exterior surfaces;
 - (2) 2 square feet (0.2 square meters) in any one interior room or space; or
 - (3) 10 percent of the total surface area on an interior or exterior type of component with a small surface area. Examples include window sills, baseboards, and trim.
9. **Dry disposable cleaning cloth** - a commercially available dry, electrostatically charged, white disposable cloth designed to be used for cleaning hard surfaces such as uncarpeted floors or counter tops.
 10. **HEPA Vacuum** - means a vacuum cleaner which has been designed with a high-efficiency particulate air (HEPA) filter as the last filtration stage. A HEPA filter is a filter that is capable of capturing particulates of 0.3 microns with 99.97% efficiency. The vacuum cleaner must be designed so that all the air drawn into the machine is expelled through the HEPA filter with none of the air leaking past it. HEPA vacuums must be operated and maintained in accordance with the manufacturer's instructions.
 11. **Interim Controls** - a set of measures designed to reduce temporarily human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.
 12. **Lead-Based Paint (LBP)** - means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.
 13. **Lead - Based Paint Inspection** - a surface-by-surface investigation to determine the presence of lead-based paint and the provision of a report explaining the results of the investigation. It is performed by a Certified Inspector or Risk Assessor.
 14. **Lead-Based Paint Hazard** - any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, and lead-based paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects.
 15. **Lead Clearance Examination** - Clearance is performed after hazard reduction, abatement, and rehabilitation or maintenance activities to determine if a unit is safe for occupancy. It involves a visual assessment, analysis of dust samples, and preparation of report. The certified risk assessor, paint inspector, or lead sampling technician performing clearance must be independent from the entity/individual conducting paint stabilization or hazard reduction.
 16. **Lead Hazard Screening** - a limited risk assessment activity that can be performed instead of a risk assessment in units that meet certain criteria (e.g. good condition). The screen must be performed by a certified risk assessor. If the unit fails the lead hazard screen, a full risk assessment must be performed.
 17. **Lead Risk Assessment** –
 - a. an on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards, and
 - b. the provision of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.
 18. **Paint Testing** - testing of specific surfaces, by XRF (x- ray fluorescence) or lab analysis, to determine the lead content of these surfaces, performed by a certified lead-based paint inspector or certified risk assessor.
 19. **Pamphlet** - EPA pamphlet titled Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools.
 20. **Renovation** - modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an

abatement. renovation includes (but is not limited to): The removal, modification or repair of painted surfaces or painted components (e.g. modification of painted doors, surface restoration, window repair, surface preparation activity (such as sanding, scraping, or other such activities that may generate paint dust)); the removal of building components (e.g., walls, ceilings, plumbing, windows); weatherization projects (e.g., cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, planning thresholds to install weather-stripping), and interim controls that disturb painted surfaces. A renovation performed for the purpose of converting a building, or part of a building, into Target Housing is covered under this definition. The term renovation does not include minor repair and maintenance activities.

21. **Renovator** - an individual who either performs or directs workers who perform renovations. See also Certified Renovator.
22. **Target Housing** - any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless a child under age six (6) is expected to reside in such housing) or any zero (0) bedroom dwelling.
23. **Visual Assessment** - a visual inspection of interior and exterior surfaces to identify specific conditions that may be lead-based paint hazards. A visual inspection does not identify lead-based paint. The assessment may be performed by a person trained in visual assessment.
24. **Work area** - the area that the certified renovator establishes to contain the dust and debris generated by a renovation.

IV. CODES AND STANDARDS

The following is a summary of the codes and standards which may apply to various lead hazard assessment and lead hazard reduction activities.

- a) 29 C.F.R. 1910 – General Industry (OSHA)
- b) 29 C.F.R. 1910 – Subpart I “Personal Protective Equipment (OSHA)
- c) 29 C.F.R. 1910 – Subpart Z “Toxic and Hazardous Substances” (OSHA)
- d) 29 C.F.R. 1910.1025 – Lead (OSHA)
- e) 29 C.F.R. 1926 – Construction Industry (OSHA)
- f) 29 C.F.R. 1926.62 “Lead in Construction” (OSHA)
- g) 29 C.F.R. 1926.1200 “Hazard Communication “ (OSHA)
- h) 40 C.F.R. 745 Subpart E- Residential Property Renovation or “Lead Renovation, Repair, and Painting (RRP) Rule” (EPA)
- i) 40 C.F.R. Subchapter R- Toxic Substances Control Act (EPA)
- j) 24 C.F.R. Part 35, Subparts B through R “Lead Safe Housing Rule” (HUD)

V. CERTIFICATIONS

A. Firm Certification

The RRP Rule requires all renovation, repair, and painting firms working in housing, or facilities where children are routinely present, built before 1978, to be certified. This applies to all in-house employees, contractors, and subcontractors who perform work within the Newark Housing Authority when work activities have the potential to disturb LBP.

The Newark Housing Authority has applied for (or is in the process of applying for?) certification as an EPA Lead-Safe Certified Firm (also known as RRP Certified Firm). A copy of the RRP firm certification is included in **Appendix I**.

Contractors and subcontractors who perform Lead Safe and RRP work in NHA housing will be required to provide proof of Firm Certification as part of their pre-project submittals for each Renovation.

B. Individual Certification

Any NHA employee who performs RRP work will be a Certified Renovator. A list of individuals registered to receive certification training are included in **Appendix II**. A copy of their certifications will be furnished upon completion. In addition, copies of the certifications of NHA's currently certified renovators are also included in **Appendix II**.

Contractors and subcontractors who perform RRP work in NHA housing will be required to provide proof of certification (course completion certificate issued by an EPA accredited training provider) for the Certified Renovator assigned to each Renovation. Proof of individual certification will also be provided for each contractor/subcontractor individual working on a Renovation. The RRP Rule requires job supervisor to have current RRP training as well.

C. Renewal of Firm and Individual Certifications

The NHA Building Superintendent and/or designee will be responsible for ensuring that the NHA RRP Firm Certifications and Individual Renovator Certifications are maintained in accordance with the LSHR and RRP Rules. RRP Firm Certification is valid for five (5) years from the date of issuance. For renovators who take the 4-hour in-person EPA-accredited Renovator Refresher course which includes hands-on training, certification will be valid for five (5) years following completion of that course.

For renovators who take the 4-hour online EPA-accredited Renovator Refresher course which does NOT include hands-on training certification will be valid for three (3) years following completion of that course.

All firm certification renewals are done electronically at <https://www.epa.gov/lead/getcertified>. The NHA shall renew their RRP Firm certification prior to expiration. All certified renovators shall take and successfully complete an EPA-accredited renovator refresher course prior to the expiration date of their existing renovator certifications.

D. Certification of Current and New Employees

All current employees and/or newly hired employees of NHA who will perform LSHR and RRP work must first complete an EPA accredited training course to become a Certified Renovator.

VI. TRAINING REQUIREMENTS

A. Certified Firm

There are no specific training requirements for the Firm Certification. Firms must apply to EPA for certification to perform renovations. To apply, a firm must submit a completed application and fee to EPA online. EPA RRP Firm Certifications are valid for five (5) years

from the date of issuance.

B. Certified Renovator

Renovators are certified upon successful completion of an EPA-accredited training course. The course completion certificate serves as the certification credential. For initial certification, renovators must take an eight (8) hour training course that includes two (2) hours of hands-on learning. The initial certification is valid for five (5) years from the date of completion of the accredited training.

To remain certified a renovator must complete a refresher training course before the current certification expires. For recertification, renovators must take a 4-hour refresher training that includes hands-on learning every other time they take the refresher course. Renovators who take the online refresher training will be certified for three years; renovators who take the hands-on training in the refresher course will be certified for five years. If certification expires, then the eight (8) hour initial certification course must be taken again to regain certification.

VII. RESPONSIBILITIES

A. Certified Firm

The Newark Housing Authority is in the process of becoming a Certified Firm and is responsible for ensuring the following for each Renovation conducted in NHA pre-1978 housing:

1. A Certified Renovator is assigned to each renovation
2. Individuals performing activities that disturb painted surfaces on behalf of the firm in NHA housing, whether employed by NHA contractor, or subcontractor, are Certified Renovators.
3. Certified Renovators may be contractors, subcontractors, or employees of NHA. If the assigned Certified Renovator is an employee of NHA, that employee must have a valid and current Renovator certification form from an EPA-accredited training provider before he or she can serve the Certified Renovator function. The job supervisor must have a current, valid Certified Renovator training certificate.
4. If NHA is involved in multiple concurrent projects, they 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.
5. Renovations performed by the firm are performed in accordance with RRP work practice standards.
6. Pre-renovation education and lead Pamphlet distribution requirements of the RRP Program are performed as detailed in Section VIII, below
7. The RRP program recordkeeping requirements are met.

B. Certified Renovator

Certified Renovators are responsible for ensuring overall compliance with the RRP Program's requirements for lead-safe work practices at renovations for which they are assigned including the following:

1. Be continuously present at the worksite when warning signs are posted, while the

work-area containment is being established and while the work-area cleaning is performed.

2. Direct oversight of work being performed by other individuals to ensure that lead-safe work practices are being followed, including maintaining the integrity of the containment barriers and ensuring that dust or debris does not spread beyond the work area.
3. A certified renovator is required to be onsite during all work site preparation and during the post cleanup of renovated work areas. At all other times when renovation activities are being conducted, the certified renovator shall be onsite or available by telephone and able to be present at the work site in no more than 2 hours.
4. Must perform clearance testing.
5. Furnish at the worksite, copies of their initial course completion certificate and their most recent refresher course completion certificate.
6. Prepare records as required by the RRP Rule.

VIII. PRE-RENOVATION EDUCATION

A. Renovations in Dwelling Units

No more than sixty (60) calendar days prior to the start of renovation activities NHA must:

1. Provide the occupant(s) of the unit with a copy of the Pamphlet included in **Appendix IV**.
2. Complete the Pre-Renovation Occupant Acknowledgement Form included in **Appendix V**.

B. Renovations in Common Areas

No more than sixty (60) calendar days prior to the start of renovation activities, NHA must:

1. Provide the occupant(s) of each affected with a written notification describing the type of work and locations of work being performed, and the anticipated completion date, and contact information for a Designated Person responsible for overseeing the work activities.
2. Make copies of the Pamphlet available upon request.
3. Prepare a signed and dated statement detailing the steps performed to notify the affected occupants of the intended renovation activities.
4. Complete the Notice of Common Area Renovation Notification Form in **Appendix VI**.

IX. LEAD-SAFE WORK PRACTICES

The NHA and their Certified Renovators are responsible for ensuring that the following minimum Work Practices are employed on all projects covered by the Plan.

A. Occupant Protection and Containment

For any project undertaken, the assigned Certified Renovator shall carry out the following

tasks and complete the RRP Renovation Recordkeeping Checklist, as included in **Appendix VII**.

1. Signage - the Certified Renovator must post signs clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside of the work area. To the extent practicable, these signs must be in the primary language of the occupants. These signs must be posted before beginning the renovation and must remain in place and readable until the renovation and the post-renovation cleaning verification have been completed.
2. Isolation Barriers - Before beginning the renovation, the Certified Renovator assigned to the Renovation will ensure that isolation barriers are in place. The work area will be isolated so that no dust or debris leaves the work area while the Renovation is being performed. In addition, the Certified Renovator(s) must maintain the integrity of the containment by ensuring that any plastic or other impermeable materials are not torn or displaced and taking any other steps necessary to ensure that no dust or debris leaves the work area while the renovation is being performed. The containment must be installed in such a manner that it does not interfere with occupant and worker egress in an emergency.

B. Interior Renovation--

The Certified Renovator(s) shall ensure that the following are performed:

1. Remove all unit contents from the work area, including furniture, rugs, and window coverings, or cover them with plastic sheeting with all seams and edges taped or spray glued.
2. Seal all openings into the HVAC system with plastic and tape.
3. Close windows and doors in the work area. Cover doors with a critical barrier of plastic sheeting consisting of a double-flap or zipper entry to allow for worker egress.
4. Cover the floor surface with poly sheeting at least six (6) feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.
5. Ensure that all personnel, tools, and other items, including the exteriors of containers of waste, are free of dust and debris before leaving the work area.

C. Exterior Renovation

The Certified Renovator(s) shall ensure that the following are performed:

1. Close all doors and windows within twenty (20) feet in all directions of the renovation.
2. Cover doors and windows within the work area with a critical barrier of plastic sheeting consisting of a double-flap or zipper entry to allow for worker egress.
3. Cover the ground surface in the work area with plastic sheeting at least ten (10) feet beyond the perimeter of the work area, plus an additional ten (10) feet for each level of the building above which the work is being performed up to a maximum of fifty (50) feet.
4. Erect additional containment as needed when work is near the property line to ensure off- site contamination does not occur.

D. Prohibited and/or Restricted Practices

Prohibited and restricted practices. The following work practices listed below are prohibited or restricted during a renovation:

- (i) Open-flame burning or torching of painted surfaces is prohibited.
- (ii) The use of machines designed to remove paint or other surface coatings through high-speed operation such as sanding, grinding, power planing, needle gun, abrasive blasting, or sandblasting, is prohibited on painted surfaces unless such machines have shrouds or containment systems and are equipped with a HEPA vacuum attachment to collect dust and debris at the point of generation. Machines must be operated so that no visible dust or release of air occurs outside the shroud or containment system.
- (iii) Operating a heat gun on painted surfaces is permitted only at temperatures below 1,100 degrees Fahrenheit.
- (iv) Dry sanding or dry scraping, except dry scraping in conjunction with heat guns or within 1.0 ft. (0.30 m.) of electrical outlets, or when treating defective paint spots totaling no more than 2 sq. ft. (0.2 sq. m.) in any one interior room or space, or totaling no more than 20 sq. ft. (2.0 sq. m.) on exterior surfaces.
- (v) Paint stripping in a poorly ventilated space using a volatile stripper that is a hazardous substance in accordance with regulations of the Consumer Product Safety Commission at [16 CFR 1500.3](#), and/or a hazardous chemical in accordance with the Occupational Safety and Health Administration regulations at [29 CFR 1910.1200](#) or [1926.59](#), as applicable to the work.

E. Work Area Cleaning

For all renovations, after the work is completed the Certified Renovator(s) will ensure that the work area is cleaned until no dust or debris remains. All paint chips and debris must be collected, double bagged, and sealed. After cleaning is performed, remove the protective sheeting. Sheeting shall be misted and folded dirty sides inward. Double-bag and seal all used sheeting. Sheeting used to isolate contaminated rooms from non-contaminated rooms must remain in place until after the cleaning and removal of other sheeting.

In addition, for interior renovation the Certified Renovator shall ensure that following additional cleaning is performed:

1. Clean all objects and surfaces in the work area and within two (2) feet of the work area cleaning from higher to lower:
2. Walls - Clean walls starting at the ceiling and working down to the floor by either vacuuming with a HEPA vacuum or wiping with a damp cloth.
3. Remaining surfaces - Thoroughly vacuum all remaining surfaces and objects in the work area, including furniture and fixtures, with a HEPA vacuum. Wipe all remaining surfaces and objects in the work area, except for carpeted or upholstered surfaces, with a damp cloth. Mop uncarpeted floors thoroughly, using a mopping method that keeps the wash water separate from the rinse water, such as the two (2) bucket mopping method, or using a wet mopping system.

F. Clearance Examination.

A Clearance Examination must be completed by a certified Lead-Based Paint risk assessor in the work area upon completion of final cleanup but before occupants are allowed to enter in the work areas in accordance with Chapter 15 of the HUD Guidelines, TSCA Section 403, 15 U.S.C. § 2683, and 40 CFR 745.227(e)(8) and (9) and 24 CFR 35.1340. NHA shall submit the clearance examination report ("Clearance Report") to HUD and EPA within thirty (30) days of the receipt of the Clearance Report. The Clearance Report shall contain all results of dust samples analyzed at an EPA recognized National Laboratory Accreditation Program (NLLAP) accredited laboratory and the results of a visual assessment of work areas. If the results indicate that clearance is not achieved, Respondent shall repeat the cleaning procedures and repeat dust clearance sampling within five (5) days of the failed Clearance Examination and repeat this procedure until clearance has been attained. All additional Clearance Reports shall be submitted as described above.

G. Waste Materials

Waste from renovation activities must be handled in a manner which prevents release of dust and debris when removed from the work area for storage or disposal. Use of chutes should be avoided. If a chute is used, it must be covered. Waste transportation and disposal must comply with Local, State, and Federal regulations.

X. RECORD KEEPING

The NHA shall maintain the following records for each renovation project for a period of at least three (3) years following completion of each project. For the Lead Disclosure Rule all testing records must be kept for the life of the building so they can be disclosed during lease or sale of the property.

1. Documentation that certified renovators were assigned to each project, including the names of each individual Certified Renovator assigned to the project.
2. Copies of the Certified Renovator's initial and most recent refresher course completion certificates.
3. Non-certified worker (on the job) training documentation, including documentation that a certified renovator provided the training and direction to workers who performed the renovation.
4. Documentation of results of any testing performed by NHA's EPA-certified Renovator, including information on and results of use of EPA-recognized test kits or paint chip samples by the Certified Renovator who acted as the representative of the NHA at the job site and who conducted testing for the presence of lead-based paint on surfaces to be affected by the renovation.
5. Lead-based paint inspection reports prepared by an EPA-certified Lead Inspector or EPA-certified Lead Risk Assessor, if applicable.
6. Proof of owner/occupant pre-renovation education, including a signed and dated Acknowledgement of receipt of the Pamphlet from both the owner and/or occupant (i.e. pre-renovation education) or certificate of mailing providing proof of attempted distribution of the Pamphlet.
7. All reports required from NHA and the Certified Renovator by the EPA RRP Rule.

8. Documentation that when the final invoice for the renovation is delivered or within 15 days of completion of renovation, whichever is earlier, NHA provided information pertaining to compliance with the LSHR and RRP to an adult occupant of the unit, or if the renovation occurred in a child- occupied facility, an adult representative of the child-occupied facility. The notice must contain information as outlined at 24 CFR 35.125
9. Documentation of compliance with any other provision of the RRP Rule not specified above.
10. Copies of any completed RRP Recordkeeping forms collected in **Appendices III and V - VIII**.

The required records shall be maintained electronically in a folder dedicated to RRP Rule documentation and in an easily accessible format. 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. Records shall be made available to EPA upon request in a timely manner.

XI. SIGNATURES

This Plan was prepared and is respectfully submitted by:

Leonard J. Spencer
Executive Director

Date

APPENDIX I

(NHA RRP Firm Certification)

APPENDIX II

(Renovator Certifications and List of Individuals Registered for a Renovator Initial Course)

APPENDIX III

LEAD-BASED PAINT TESTING FORM

(To Be Filled Out By Certified Renovator)

This form is to document compliance with the United States Environmental Protection Agency (EPA) Lead Renovation Repair and Painting Rule (40 C.F.R. Part 745 - Subpart E). Complete this form if testing is used to determine if Lead- Based Paint (LBP) is present at the work location below.

Project Description

Date(s) and Location of Work: _____

Description of Work: _____

Testing Performed (choose one)

_____ Chip sampling was performed

Laboratory Name/ Address: _____

An EPA-recognized test kit was used to perform this testing.

Manufacturer: _____

Manufacture Date: _____

Model: _____

Serial#: _____

Expiration Date: _____

Date of Testing: _____

Sample#	Location/Description	Area/Volume	Sampled By	Results
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

Lead Safe Work Practices Required: _____ Yes _____ No

Laboratory Analysis Results from 3rd Party Accredited Laboratory Attached:

Yes _____ No _____

Certification

I certify under penalty of law that the above information is true and complete.

I am an EPA Certified Renovator with a current certificate. Certificate#: _____

Name (Print)

Signature

Date

APPENDIX IV

Renovate Right Pamphlet

APPENDIX V

EPA-RRP RULE PRE-RENOVATION OCCUPANT ACKNOWLEDGEMENT FORM

This form is to document compliance with the United States Environmental Protection Agency (EPA) Lead Renovation Repair and Painting Rule (40 C.F.R. Part 745 - Subpart E).

Project Description

Date(s) and Location of Work: _____

Description of Work: _____

Occupant Confirmation - Pamphlet Receipt

_____ I have received a copy of the lead hazard information Pamphlet informing me of the potential risk of the lead hazard exposure from renovation activity to be performed in my dwelling unit. I received this information before work began.

Name (Print)	Signature	Date
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Renovator Self Certification
(When occupant signature cannot be obtained)

_____ Occupant Declined - I certify that I have made a good faith effort to deliver the lead hazard information Pamphlet to the rental dwelling unit listed below at the date and time indicated and that the occupant declined to sign the confirmation of receipt. I further certify that I have left a copy of the Pamphlet at the unit with the occupant.

_____ Occupant Unavailable - I certify that I have made a good faith effort to deliver the lead hazard information Pamphlet to the rental dwelling unit listed below and that the occupant was unavailable to sign the confirmation of receipt. I further certify that I have left a copy of the Pamphlet at the unit by sliding it under the door or by (fill in how Pamphlet was left).

_____ Mailing Option - The lead hazard information Pamphlet is sent to the owner and/or tenant. Pamphlet was sent Certified Mail and Delivery Receipt obtained at least seven (7) calendar days prior to starting work.

Name (Print)	Signature	Date
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APPENDIX VI

EPA RRP RULE NOTICE OF COMMON AREA RENOVATION

This form is to document compliance with the United States Environmental Protection Agency (EPA) Lead Renovation Repair and Painting Rule (40 C.F.R. Part 745 - Subpart E). Renovation work which may disturb Lead-Based Paint is being performed in common areas near your dwelling unit.

Project Description

Date(s) and Location of Work: _____

Description of Work: _____

Anticipated Date of Completion of Work: _____

Designated Person

The Newark Housing Authority has assigned the following person as the Designated Person for this project. For questions regarding the work or for a copy of the EPA informational Pamphlet titled Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools, please contact:

Name (Print)

Phone Number

Email Address

Certified Renovator

The work is being performed by a Certified Renovator in accordance with the RRP Rule.

Renovator Name (Print)

Signature

Date

APPENDIX VII
RRP RENOVATION RECORDKEEPING CHECKLIST

SEE NEXT PAGE

ENHANCED CHECKLIST FOR RENOVATIONS REGULATED BY THE RRP RULE

I PURPOSE

To facilitate the documentation of compliance with the U.S. Environmental Protection Agency's Lead Renovation, Repair, and Painting (RRP) Rule 40 C.F.R. Part 745, Subpart E, or any applicable U.S. EPA-Authorized State or Tribal program regulating lead-based paint safe work practices. Not all aspects of compliance with the Rule can be fully captured with a checklist and additional logs, records and photos may need to be kept. In addition, any discrepancy between the requirements in this document and the RRP Rule, the RRP Rule prevails.

II GENERAL PROJECT INFORMATION:

Property Address: _____

City	State	Zip
------	-------	-----

Property Owner: _____

Address: _____

City: _____ State: _____ Zip code: _____ Phone: () _____

Email: _____

Contractor/subcontractor firm name and RRP certification number (copy of the firm certificate must be kept in project file):

Firm Name	Certification Number	Expiration date
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Assigned EPA-certified Renovator name & certification number (copy of training certificate must be available on the work site and kept in project file):

Renovator Name	Certification Number	Expiration date
----------------	----------------------	-----------------

Project Start Date: _____ Expected Completion Date: _____

Brief description of Renovation Project (include painted surfaces disturbed and estimated square footage of paint to be disturbed):

☐ Contractor has reviewed scope of work and has secured sufficient supplies to perform all required activities covered in this checklist.

III LEAD TESTING INFORMATION [40 C.F.R. § 745.82(a)] Select A or B below:

_____ A) Testing for lead was performed to exclude components from the RRP Rule.

Check one of the following boxes and **attach documentation**.

- ☐ A written determination from an EPA-certified Inspector or Risk Assessor that the components affected by the renovation are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 mg/cm² or 0.5% by weight.
- ☐ The assigned certified Renovator, using an EPA-recognized test kit as defined in 40 C.F.R. §§ 745.83 and 745.88, and following the manufacturer's instructions, has tested each component affected by the renovation and determined that the components are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 mg/cm² or 0.5% by weight.

_____ B) **Testing was not performed.**

IV EMERGENCY RENOVATIONS [40 C.F.R. § 745.82(B)]

_____ A) Renovation qualifies as an Emergency Renovation.

Describe emergency situation and continue to Section VI:

_____ B) Renovation does not qualify as an Emergency Renovation.

V INFORMATION DISTRIBUTION REQUIREMENTS [40 C.F.R. § 745.84]

_____ A) **Renovations in dwelling units.**

- ☐ The property owner was provided with the Renovate Right Pamphlet and (select one):
 - ☐ A written acknowledgment¹ of receipt was obtained and is kept in the project file.
 - ☐ A Pamphlet was delivered to the owner by certified mail at least seven (7) days prior to the start of the renovation, and the certificate of mailing is kept in the project file.
- ☐ If the unit is **not owner-occupied**, Distribution to occupants was ALSO made by (select one):
 - ☐ An adult occupant was provided with the Renovate Right Pamphlet and a written acknowledgment of receipt was obtained and is kept in the project file.
 - ☐ A Pamphlet was delivered to the unit by certified mail at least seven (7) days prior to the start of the renovation, and a written acknowledgment of receipt was obtained and is kept in the project file.
 - ☐ A Pamphlet was delivered to the unit by certified mail at least seven (7) days prior to the start of the renovation, but the firm performing the renovation was unsuccessful in obtaining a written receipt. A written certification that includes: the address of the unit, the date and method of delivery of the pamphlet (including

¹ The written acknowledgement must include a statement recording the owner or occupant's name and acknowledging receipt of the pamphlet prior to the start of renovation, the address of the unit undergoing renovation, and the signature of the owner or occupant and the date of signature. It must be written in the same language as the text of the contract or agreement for the renovation or, in the case of non-owner-occupied unit, the same language as the lease or rental agreement or the pamphlet.

certified mailing documentation), names of the person(s) delivering the pamphlet, reason for lack of acknowledgment, and signature of a firm representative with date of signature is kept in the project file.

- ☐ No regulated renovations in dwelling units.

_____ B) **Renovations in common areas.**

- ☐ The property owner was provided with the Renovate Right Pamphlet and (select one)
- ☐ A written acknowledgment of receipt was obtained and is kept in the project file.
 - ☐ A Pamphlet was delivered to the owner by certified mail at least seven (7) days prior to the start of the renovation, and the certificate of mailing is kept in the project file.

And one of the following:

- ☐ A written notice was distributed to each affected unit describing the general nature and locations of the planned renovation activities including expected start and end dates, information on how occupants can obtain the Pamphlet and a copy of the final records required by 745.86(c) and (d) at no cost. A copy of the written notice is kept in the file.
 - ☐ Informational signs were posted at all times during the renovation describing the project, renovation locations, and the anticipated end date. Signs are posted in areas where they are likely to be seen by the occupants of all affected units and are accompanied by a posted copy of the Pamphlet or information on how interested occupants can review or obtain a copy. Information on how occupants can review or obtain a free copy of the records required by 745.86 (c) and (d) are also included.
- ☐ No regulated renovations in common areas.

_____ C) **Renovations are in Child-Occupied Facilities (COF).**

- ☐ The property owner was provided with the Renovate Right Pamphlet and either a written acknowledgment of receipt was obtained and is kept in the project file or a certificate of mailing at least seven (7) days prior to the start of the renovation is kept in the project file.
- ☐ If the COF is not the owner of the building, an adult representative of the COF was provided with the Pamphlet and (select one of the following)
- ☐ A written acknowledgment² of receipt was obtained and is kept in the project file.
 - ☐ A written certification statement that the Pamphlet was delivered to the facility that includes the address of the COF, date and method of delivery of the Pamphlet, names of the persons delivering the Pamphlet, reason for the lack of acknowledgment, if any, the signature of a representative of the renovation firm, and date of said signature. A copy of the written notice is kept in the file.
- ☐ Parents and guardians of children using the COF have been provided with the Pamphlet, information describing the renovation, and information on how to review a copy of the records required by 745.86(c) and (d) by (select one of the following):
- ☐ Mailing or hand delivering the Pamphlet and renovation information to each parent or guardian of a child using the COF.
 - ☐ Posting signs during the renovation that describe the renovation, including locations and anticipated completion dates, in areas where they can be seen, along with a

² The written acknowledgement must include a statement recording the owner or occupant's name and acknowledging receipt of the pamphlet prior to the start of renovation, the address of the unit undergoing renovation, and the signature of the owner or occupant and the date of signature. It must be written in the same language as the text of the contract or agreement for the renovation or, in the case of non-owner-occupied unit, the same language as the lease or rental agreement or the pamphlet.

posted copy of the Pamphlet or how interested parties can review or obtain a copy. Information on how occupants can review a copy at no cost of the records required by 745.86 (c) and (d) are also included.

- ☐ No COF undergoing regulated renovations.

VI WORK PRACTICE STANDARDS [40 C.F.R. § 745.85]

- _____ A) **Occupant Protection** – Signs have been posted clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside of the work area.
- ☐ Primary language of occupants is not English, signs posted in _____ language.
- _____ B) **Containing the Work Area** – Before beginning the renovation, the work area has been isolated so that no dust or debris leaves the area while the renovation is ongoing.
- _____ C) **Integrity of containment** is maintained throughout the renovation.
- _____ D) **Interior Renovations:**
- ☐ All objects in the work area are removed or covered.
- ☐ HVAC ducts in the work area are closed and covered.
- ☐ Windows in the work area are closed.
- ☐ Doors in the work area are closed and sealed. Doors that must be used in the work area are covered to allow passage but prevent spread of dust.
- ☐ Floors in the work area are covered with taped-down plastic sheeting or other impermeable material 6 feet beyond the perimeter of surfaces undergoing renovation.
- ☐ All personnel, tools, and other items, including exteriors of waste containers are free of dust and debris before leaving the work area.
- _____ E) **Exterior Renovations**
- ☐ Windows in and within 20 feet of the work area are closed.
- ☐ Doors in and within 20 feet of the work area are closed and sealed.
- ☐ Ground is covered by plastic extending 10 feet from work area.
- ☐ Vertical containment is installed when property line prevents 10 feet of ground covering or when necessary to prevent migration of dust and debris to adjacent property.

VII RESTRICTED PRACTICES³ USED CORRECTLY [40 C.F.R. § 745.85(a)(3)]

- _____ A) Machines designed to remove paint or other surface coatings through high-speed operations such as sanding, grinding, power planing, needle gun, abrasive blasting, or sandblasting **have shrouds or containment systems and are equipped with a HEPA vacuum attachment to collect dust and debris at the point of generation.** These machines are operated so that no visible dust or release of air occurs outside the shroud or containment system.
- _____ B) A heat gun operating at temperatures **below 1,100 degrees Fahrenheit** is being used.

VIII RENOVATION WASTE [40 C.F.R. § 745.85(a)(4)]

- ☐ Waste is contained on-site before removal from the work area, during removal from the work area and while being transported off-site.
- ☐ A chute is used, and the chute is covered.
- ☐ Waste that is collected from renovation activities at the end of each workday is stored under containment, in an enclosure, or behind a barrier that prevents release of and access to dust and debris.

³ Restricted practices include the use of high-speed operation machines and heat guns.

- ☐ Waste transported from renovation activities is contained to prevent release of dust and debris.

IX WORK AREA CLEANING [40 C.F.R. § 745.85(a)(5)]

- ☐ All paint chips and debris are picked up and sealed in heavy-duty bags.
- ☐ Protective sheeting is misted and folded, dirty side inward, sealed, and disposed as waste.
- ☐ All objects and surfaces in interior work areas and within 2 feet of the work areas are cleaned from higher to lower in the following manner:
 - ☐ Walls: start at the ceiling and work down to the floor by either vacuuming with a HEPA filter or wiping with a damp cloth.
 - ☐ All remaining surfaces and objects in the work area were thoroughly vacuumed, including furniture and fixtures, with a HEPA vacuum, and - except for carpet and upholstered surfaces- wiped with a damp cloth.
 - ☐ Floors were mopped using a wet-mopping system or 2-bucket mopping method.

X POST-RENOVATION CLEANING VERIFICATION [40 C.F.R. § 745.85(b)]

- ☐ Interior Renovations:
 - ☐ The assigned certified Renovator performed a visual inspection until no dust, debris or residue is present.
 - ☐ The assigned certified Renovator wiped windowsills, uncarpeted floors, and countertops within the work area with a wet disposable cleaning cloth using the procedures outlined in 40 C.F.R. 745.85(b).
- ☐ Exterior Renovations:
 - ☐ The assigned certified Renovator performed a visual inspection until no dust, debris or residue is present.
 - ☐ Dust clearance testing [40 C.F.R. § 745.85(c)] was performed in lieu of post renovation cleaning by an EPA-certified inspector, risk assessor, or dust sampling technician and was done in accordance with 745.85(c). A copy of the report is attached.

XI Actual Project Completion Date: _____

XII Required Records [40 C.F.R § 745.86] kept with project file for a period of three (3) years:

- ☐ Determinations that lead-based paint was not present on affected components.
- ☐ Notification records including acknowledgments of Pamphlet receipt.
- ☐ Documentation of compliance with the work practice requirements of 40 C.F.R. § 745.85.
- ☐ Documentation that the assigned certified Renovator was assigned, and the following responsibilities were met:
 - ☐ The assigned certified Renovator provided training to workers on the work practice requirements of § 745.85. [745.90(b)(2)] *See separate training records for each worker trained.*
 - ☐ The assigned certified Renovator was physically present when signs were posted, work area containment was established, and while the work area cleaning was performed.
 - ☐ The assigned certified Renovator regularly directed work performed by other workers, maintained containment integrity, and was available, either on-site or by phone, at all times during the renovation.
 - ☐ The assigned certified Renovator performed the post-renovation cleaning verification as described in 40 C.F.R. § 745.85(b).
 - ☐ The assigned certified Renovator prepared the records required by § 745.86(b)(1)(ii)

and (6).

_____ **A copy of this completed checklist was provided to the owner of the building, and if different, the adult occupant, in accordance with 40 C.F.R. § 745.86(c)(2).**

Completed by:

Company Name

Name (printed)

Title

Signature